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6 UNITED STATES DISTRICT COURT FOR
7 THE WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 JOHN AND KELLY ARMSTRONG,
10 individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

11 Plaintiffs,

12 v.

13 SPRINGS WINDOW FASHIONS
14 MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
15 INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
16 corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
17 husband and wife, and dba R & M
18 INVESTORS, INC., a Washington
corporation,

19 Defendants.
20

NO.

NOTICE OF REMOVAL

Clerk's Action Required

21 NOW COME defendants Springs Window Fashions Manufacturing Co., USA,
22 Inc.; Springs Industries, Inc., and Springs Window Fashions, LLC (collectively "Springs"
23 or "the Springs Entities"), as and for their Notice of Removal of this action from the
24 Superior Court of Washington, Mason County, state as follows:
25

1.

NOTICE OF REMOVAL - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 THIRD AVENUE, SUITE 805
SEATTLE, WA 98104
TELEPHONE (206) 515-4800/FAX (206) 515-4848

1 This Notice of Removal is filed pursuant to 28 U.S.C. § 1441, et seq.

2 2.

3 On April 6, 2011, the Springs Entities were served with copies of the Summons
4 and Complaint in this case, filed in the Superior Court of Washington, Mason County. A
5 true and correct copy of these Summonses and a true and correct copy of the Complaint
6 are attached collectively as Exhibit A.

7 3.

8 On July 28, 2011, following a scheduling conference with the Court, counsel for
9 Springs first discussed the case with counsel for codefendants Mike and Roberta Quiggle
10 and R&M Investors, Inc. At that time, counsel for Springs was first told that Mike and
11 Roberta Quiggle received a discharge from the United States Bankruptcy Court from the
12 Western District of Washington on September 11, 2009, and that R&M Investors, Inc. no
13 longer exists and its assets have been liquidated. This was confirmed by receipt on July
14 28, 2011 of the Answer to First Amended Complaint and Motion to Dismiss filed by
15 Mike and Roberta Quiggle and R&M Investors, Inc., a true and correct copy of which is
16 attached as Exhibit B.

17 4.

18 As required by 28 U.S.C. § 1446(a), "a copy of all process, pleadings, orders, and
19 other documents on file in the State Court are attached as Exhibit C.

20 5.

21 Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within
22 thirty days of first receipt by Defendants, through service or otherwise, of a copy of an
23 amended pleading, motion, order or other paper from which it may first be ascertained
24 that the case is one which is or has become removable. (See Exhibit B, served on Springs
25 on July 28, 2011.)

NOTICE OF REMOVAL - 2

LAW OFFICE OF WILLIAM J. O'BRIEN
999 THIRD AVENUE, SUITE 805
SEATTLE, WA 98104
TELEPHONE (206) 515-4800/FAX (206) 515-4848

1 6.

2 Also pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed
3 less than one year after suit was commenced in the state court. Accordingly, this Notice
4 of Removal is timely filed in accordance with 28 U.S.C. § 1446.

5 7.

6 Venue of this removal is proper under 28 U.S.C. § 1441(a) because the United
7 States District Court for the Western District of Washington is the federal district court
8 for the district embracing the place where the state court suit is pending.

9 8.

10 This is a civil action that falls under the Court's original jurisdiction under 28
11 U.S.C. § 1332 (diversity of citizenship) and is one that may be removed to this Court
12 based on diversity of citizenship under 28 U.S.C. §§ 1441 and 1446.

13 9.

14 At the time this action was filed, Plaintiffs were and continue to be citizens of the
15 State of Washington.

16 10.

17 At the time this action was filed, each of the Springs Entities were and continue to
18 be corporations organized and existing under the laws of State of South Carolina, with
19 their principal places of business in South Carolina. Thus, Springs Window Fashions
20 Manufacturing Co., USA, Inc.; Springs Industries, Inc., and Springs Window Fashions,
21 LLC are citizens of the State of South Carolina.
22

23
24
25 11.

1 The citizenship of defendants Mike and Roberta Quiggle and R&M Investors, Inc.
2 should be disregarded for removal purposes because these defendants were fraudulently
3 and frivolously joined in the Action. The Discharge of Debtor entered under 11 U.S.C. §
4 727 by the United States Bankruptcy Court for the Western District of Washington –
5 subsequent to the incident that forms the bases of all Plaintiffs’ claims against these
6 defendants – conclusively establishes that all Plaintiffs’ claims against these defendants
7 are extinguished and were extinguished at the time of filing of the Complaint. (See
8 Exhibit B.) This information was publicly available, including to Plaintiffs, at the time of
9 filing. (See id.)

10 12.

11 Therefore, the citizenship of Mike and Roberta Quiggle and R&M Investors, Inc.
12 should be disregarded for removal purposes, and the naming of Mike and Roberta
13 Quiggle and R&M Investors, Inc. does not defeat removal of the Action.

14 13.

15 As established by the foregoing, the Springs Entities are the only defendants
16 “properly joined and served” under 28 U.S.C. § 1441(b). Accordingly, the controversy in
17 the action is wholly between citizens of different states. Plaintiffs are citizens of
18 Washington and the Springs Entities are citizens of South Carolina.

19 14.

20 A district court has original diversity jurisdiction where “the matter in controversy
21 exceeds the sum or value of \$75,000, exclusive of interest and costs.” 28 U.S.C. §
22 1332(a). That threshold is met in this action, as plaintiffs allege in Paragraph 3.7 of their
23 Complaint that they seek \$7.5 million in future medical costs, along with other damages.
24 (See Exhibit A.)
25

15.

1 The state court action may be removed to this Court by Springs in accordance
2 with the provisions of 28 U.S.C. § 1441(a) and (b) because: (i) this action is a civil action
3 pending within the jurisdiction of the United States District Court for the Western District
4 of Washington; (ii) this action is between citizens of different states; and (iii) the amount
5 in controversy exceeds \$75,000.00, exclusive of interest and costs.

6 16.

7 Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this action has
8 been given simultaneously to all counsel of record, and a Notice to Clerk of Removal has
9 been simultaneously filed with the Superior Court for State of Washington, Mason
10 County.

11 WHEREFORE, Defendants Springs Window Fashions Manufacturing Co., USA,
12 Inc.; Springs Industries, Inc., and Springs Window Fashions, LLC hereby remove the
13 above-captioned action from the Plaintiffs' counsel, and a Notice to Clerk of Removal
14 has been simultaneously filed with the Superior Court for State of Washington, Mason
15 County and requests that further proceedings be conducted in this Court as provided by
16 law.

17 DATED this 24th day of August, 2011.

18 LAW OFFICE OF WILLIAM J. O'BRIEN

19 By: 

20 Gregory G. Wallace, WSBA No. 29029
21 Attorneys for Defendants Springs Window
22 Fashions Mfg. Co. USA, Inc., Springs
23 Industries, Inc., and Springs Window
24 Fashions, LLC, all dba Graber

25 -and-

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Jameson B. Carroll (admitted *pro hac vice*)
Michael Weiss (admitted *pro hac vice*)
CARROLL & WEISS LLP
1819 Peachtree Road, Suite 104
Atlanta, GA 30309

Attorneys for Defendants Springs Window
Fashions Mfg. Co. USA, Inc., Springs
Industries, Inc., and Springs Window
Fashions, LLC, all dba Graber

EXHIBIT A

REC'D & FILED
MASON CO. WA.

ORIGINAL

2011 JAN 11 A 11:13

PAT SWARTOS, CO. CLERK
BY TOZ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation, d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife, d/b/a R & M Investors, Inc.,
a Washington Corporation,

Defendants.

No. 11 2 00028 5

SUMMONS

THE STATE OF WASHINGTON

TO: DEFENDANTS ABOVE NAMED

A lawsuit has been started against you in the above-entitled court by the above-named plaintiffs, John and Kelly Armstrong individually as husband and wife and Guardians ad Litem for Mariah Armstrong, minor. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiffs within 20 days after the service of this summons, excluding the day of service, or within 60 days after the

SUMMONS-1

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13-08\Pleadings\Summons.doc

LAW OFFICES OF
TERRY E. LUMSDEN
3517 6TH AVENUE, SUITE 200
TACOMA, WA 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 service of this summons if served outside of the State of Washington, or a default judgment may
2 be entered against you without notice. A default judgment is one where plaintiffs are entitled to
3 what they ask for because you have not responded. If you serve a notice of appearance on the
undersigned attorney, you are entitled to notice before a default judgment may be entered.

4 You may demand that the plaintiffs file this lawsuit with the court. If you do so, the
5 demand must be in writing and must be served upon the plaintiffs. Within 14 days after you
6 serve the demand, the plaintiffs must file this lawsuit with the court, or the service on you of this
summons and complaint will be void.

7 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
8 that your written response, if any, may be served on time.

9 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
of Washington.

10 DATED this 10 day of January, 2011.

11
12
13 LAW OFFICES OF TERRY E. LUMSDEN

14
15 

16 TERRY E. LUMSDEN WSBA 5254
17 Attorney for Plaintiffs
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25 SUMMONS-2

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13-08\Pleadings\Summons.doc

LAW OFFICES OF
TERRY E. LUMSDEN
3517 6TH AVENUE, SUITE 200
TACOMA, WA 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

ORIGINAL

REC'D & FILED
MASON CO. WA.

2011 JAN 11 A 11:14

PAT SWARTOS, CO. CLERK
BY DS DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation, d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife, and d/b/a R & M Investors,
Inc., a Washington corporation,

Defendants.

11 2 00028 5
NO.

COMPLAINT FOR INJURIES
AND DAMAGES IN TORT

COMES NOW the Plaintiffs, JOHN AND KELLY ARMSTRONG, husband and wife
and the parents of the minor child, MARIAH ARMSTRONG, duly appointed Guardians ad

COMPLAINT

- 1 -

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Matters\Armstrong, Mariah 11-13-
08\Pleadings\Complaint.doc

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 Litem to pursue the injury claims of their daughter referenced herein, by and through their
2 attorney of record, TERRY E. LUMSDEN, for a cause of action against Defendant SPRINGS
3 WINDOW FASHIONS MANUFACTURING CO. USA, INC. (hereafter "Springs Window"), a
4 foreign corporation, d/b/a GRABER; and MIKE & ROBERTA QUIGGLE, individually and as
5 husband and wife, and d/b/a R & M Investors, Inc., a Washington corporation, and allege:
6

7 1.0 PARTIES

8 1.1 Plaintiffs John and Kelly Armstrong are husband and wife, parents and appointed
9 Guardians ad Litem of the minor child, Mariah Armstrong, whose birthday is December 16,
10 2005.

11 1.2 Defendant Springs Window is a foreign corporation of the state of South
12 Carolina.

13 1.3 Mike and Roberta Quiggle are individuals and are husband and wife, and

14 1.4 Mike and Roberta Quiggle were doing business as R & M Investors, Inc., a
15 Washington corporation.
16

17 2.0 JURISDICTION

18 2.1 Plaintiffs at all times noted herein were residents of Mason County.

19 2.2 Springs Window is a foreign corporation of the state of South Carolina.

20 2.3 Mike and Roberta Quiggle are residents of Mason County.

21 2.4 R & M Investors, Inc. was a duly licensed and authorized corporation in the state
22 of Washington, doing business in Mason County.
23

24 COMPLAINT

- 2 -

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08\Pleadings\Complaint.doc

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
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2.5 Mason County Superior Court is the proper forum for this claim.

3.0 FACTS

3.1 Defendants Mike & Roberta Quiggle, individually, and as a married couple, and doing business as R. & M Investors, Inc., purchased the home from a third party, remodeled the home and sold it on September 2, 2004 to Plaintiffs John and Kelly Armstrong.

3.2 On November 13, 2008 Mariah Armstrong was seriously and permanently injured after putting her head into her home's window blinds' cords designed, manufactured and sold by Defendant Springs Window, under the d/b/a of Graber.

3.3 For many years, manufacturers of window blinds' curtains, etc., including Springs Window, have known of the dangerous nature of window blinds' cords and the hazard they present to minor children.

3.4 Defendant Springs Window has participated in numerous industry meetings, studies and seminars to discuss and analyze this dangerous nature of window blinds' cords.

3.5 Defendant Springs Window has never issued a recall of its product either to wholesalers, retailers or homeowners, nor published in newspapers, magazines, internet or on television, that their window blinds' cords should be removed or otherwise made safe from a child being able to put its head through the cords and choking.

3.6 Defendant Springs Window was asked by Plaintiffs to assist in the expenses of medical treatment therapy and needed for Mariah Armstrong. It declined.

COMPLAINT

- 3 -

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Matters\Armstrong, Mariah 11-13-
08\Pleadings\Complaint.doc

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 3.7 A preliminary Life Care Plan has been prepared for Mariah Armstrong not
2 including all the future medical care she will need, not including her loss of future earnings, and
3 not including her pain and suffering, at a cost of \$7.5 million dollars.

4 4.0 CLAIMS

5 4.1 Defendant Springs Window negligently designed and/or constructed and sold
6 window blinds' cords for the subject home under the trade name of Graber..
7

8 4.2 Defendant Springs Windows violated the Washington State Product Liability Act,
9 RCW 7.72 et seq; including negligence, failure to warn, and strict liability.

10 4.3 Defendant Springs Window failed to follow up, recall, warn, or otherwise attempt
11 to render safe the window blinds' cords, even after decades of overwhelming information about
12 significant injuries to minor children who came into contact with such window blinds' cords.

13 4.4 Defendants Mike & Roberta Quiggle, individually, as a married couple and d/b/a
14 R& M Investors, Inc. installed or failed to remove said window blinds' cords from the home they
15 purchased, remodeled and sold to the Plaintiffs.
16

17 4.5 The negligence of Springs Window and Mike and Roberta Quiggle, individually,
18 as a married couple and d/b/a R & M Investors, Inc., were the sole and proximate causes to
19 Mariah's injuries and the parents' loss of consortium.

20 4.6 Mariah Armstrong suffered permanent, severe brain damage, pain and suffering,
21 loss of enjoyment of life, disability and dysfunction, loss of future earnings, and incurred
22 medical bills past and future due to defendants' conduct.
23

24 COMPLAINT

- 4 -

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LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 4.7 Mariah's parents, John and Kelly Armstrong, have suffered loss of consortium,
2 love and affection and companionship with their daughter.

3 5.0 PUNITIVE DAMAGES


4 5.1 Plaintiffs reserve the right to amend the Complaint to add a claim for Punitive
5 Damages under State of Washington "Conflict of Laws" analysis, from the defendant Springs
6 Window Fashions state of incorporation, South Carolina, if the egregious conduct of Springs
7 Window Fashions, as alleged herein, occurred in South Carolina. This reservation also applies if
8 this lawsuit is ever removed to Federal Court.
9

10 6.0 PRAYER FOR RELIEF

11 61 Wherefore, Plaintiffs pray for judgment against the Defendants in such sum as
12 will fairly compensate the Plaintiffs.
13

14 DATED this 10 day of Jan, 2011.
15

16
17 LAW OFFICES OF TERRY E. LUMSDEN

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19 
20 Terry E. Lumsden, WSBA#5254
21 Attorney for Plaintiffs
22
23

24 COMPLAINT

- 5 -

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LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

EXHIBIT B

REC'D & FILED
MASON CO. WA

2011 JUL 21 P 1:58

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON
PAT SWARTZ, CO. CLERK
104 DEPUTY

JOHN AND KELLY ARMSTRONG,
Individually, as husband and wife and as
Guardians as litem for MARIAH
ARMSTRONG, minor

Plaintiff,

and

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC. a
foreign corporation, dba GRABER: MIKE
& ROBERTA QUIGGLE, individually and
as husband and wife, and dba R&M
INVESTORS, INC. a Washington
Corporation.

Defendant.

NO. 11-2-00028-5

ANSWER TO FIRST AMENDED
COMPLAINT AND MOTION TO
DISMISS R&M INVESTORS, INC.
AND MIKE AND ROBERTA
QUIGGLE

TO: ALL PARTIES HEREIN.

COMES NOW the above-named defendant and hereby answers Plaintiff's complaint as follows:

The defendants, R&M Investors Inc. and Mike and Roberta Quiggle, have insufficient knowledge as to the truth or falsity of all allegations in Plaintiff's complaint, and therefore DENY the same.

ANSWER TO FIRST AMENDED COMPLAINT
AND MOTION TO DISMISS - 1

ORIGINAL

KENNETH E. ROSSBACK
3219-6th Avenue
Tacoma, WA 98406
Phone: 253-573-1300
Fax: 253-752-6900

25

1 Mike and Roberta Quiggle filed a chapter 7 Bankruptcy Petition on May 22, 2009; a copy
2 of the notice is attached hereto and incorporated herein by this reference.

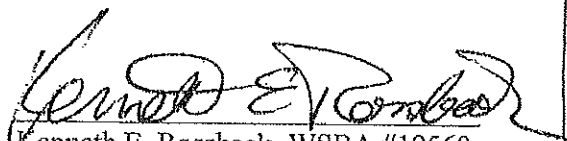
3 Mike & Roberta Quiggle received a discharge order from the Bankruptcy Court on
4 September 11, 2009; a copy of the notice is attached hereto and incorporated herein by this
5 reference.

6
7 R&M Investors Inc. no longer exists and all assets thereof have been liquidated by the
8 chapter 7 trustee in the above reference case.

9
10 The automatic stay imposed by the bankruptcy court prohibits any action from being
11 taken against the debtors or their property.

12
13 Therefore Mike and Roberta Quiggle respectfully request that they be dismissed from this
14 action.

15
16 Dated: 7-19-11


Kenneth E. Rossback, WSBA #19560
Attorney for the Defendant

ORIGINAL

United States Bankruptcy Court

Western District of Washington

1717 Pacific Avenue

Suite 2100

Tacoma, WA 98402

REC'D & FILED
HASCO CO. WA

2011 JUL 21 P 1:58

PAT SWARTOS, CO. CLERK

BY _____ DEPUTY

Case No. 09-43671-PBS

Chapter 7

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Michael C Quiggle

301 E. Wallknee Blvd, #224-153

Shelton, WA 98584

Roberta L Quiggle

301 E. Wallknee Blvd, #224-153

Shelton, WA 98584

Social Security/Individual Taxpayer ID No.:

xxx-xx-0082

xxx-xx-7944

Employer Tax ID/Other nos.:

DISCHARGE OF DEBTOR

The Debtor(s) filed a Chapter 7 case on May 22, 2009. It appearing that the Debtor is entitled to a discharge,

IT IS ORDERED:

The Debtor is granted a discharge under 11 U.S.C. § 727.

BY THE COURT

Dated: September 11, 2009

Paul B Snyder

United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

ORIGINAL

United States Bankruptcy Court
Western District of Washington

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 7 of the United States Bankruptcy Code, entered on 05/22/2009 at 3:37 PM and filed on 05/22/2009.

Michael C Quiggle
301 E. Wallknee Blvd, #224-153
Shelton, WA 98584
SSN / ITIN: xxx-xx-0082

Roberta L Quiggle
301 E. Wallknee Blvd, #224-153
Shelton, WA 98584
SSN / ITIN: xxx-xx-7944

The case was filed by the debtor's attorney: The bankruptcy trustee is:

Kenneth E Rossback
Attorney at Law
3219 6th Ave
Tacoma, WA 98406-5901
253-573-1300

Kathryn A Ellis
600 Stewart St Ste 1300
Seattle, WA 98101
206-682-5002

The case was assigned case number 09-43671-PBS to Judge Paul B Snyder.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available with a Pacer account log in at <https://ecf.wawb.uscourts.gov> or via public terminals at the Clerk's Office, 1717 Pacific Avenue, Suite 2100, Tacoma, WA 98402 or 700 Stewart St, Room 6301, Seattle, WA 98101.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.



Mark L. Hatcher
Clerk, U.S. Bankruptcy
Court

ORIGINAL

EXHIBIT C

REC'D & FILED
MASON CO. WA.

ORIGINAL

2011 JAN 11 A 11:13

PAT SWARTOS, CO. CLERK
BY 10-2 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation, d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife, d/b/a R & M Investors, Inc.,
a Washington Corporation,

Defendants.

No. 11 2 00028 5

SUMMONS

THE STATE OF WASHINGTON

TO: DEFENDANTS ABOVE NAMED

A lawsuit has been started against you in the above-entitled court by the above-named plaintiffs, John and Kelly Armstrong individually as husband and wife and Guardians ad Litem for Mariah Armstrong, minor. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiffs within 20 days after the service of this summons, excluding the day of service, or within 60 days after the

SUMMONS-1

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13-08\Pleadings\Summons.doc

LAW OFFICES OF
TERRY E. LUMSDEN
3517 6TH AVENUE, SUITE 200
TACOMA, WA 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 service of this summons if served outside of the State of Washington, or a default judgment may
2 be entered against you without notice. A default judgment is one where plaintiffs are entitled to
3 what they ask for because you have not responded. If you serve a notice of appearance on the
undersigned attorney, you are entitled to notice before a default judgment may be entered.

4 You may demand that the plaintiffs file this lawsuit with the court. If you do so, the
5 demand must be in writing and must be served upon the plaintiffs. Within 14 days after you
6 serve the demand, the plaintiffs must file this lawsuit with the court, or the service on you of this
summons and complaint will be void.

7 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
8 that your written response, if any, may be served on time.

9 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
of Washington.

10 DATED this 10 day of January, 2011.

11
12
13 LAW OFFICES OF TERRY E. LUMSDEN

14
15 

16 TERRY E. LUMSDEN WSBA 5254
17 Attorney for Plaintiffs
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21
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25 SUMMONS-2

26 \\Fileserver\shared\office folders\TEL Matters\Armstrong, Mariah 11-
13-08\Pleadings\Summons.doc

LAW OFFICES OF
TERRY E. LUMSDEN
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TACOMA, WA 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

ORIGINAL

REC'D & FILED
MASON CO. WA.

2011 JAN 11 A 11:14

PAT SWARTOS, CO. CLERK
BY 103 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation, d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife, and d/b/a R & M Investors,
Inc., a Washington corporation,

Defendants.

11 2 00028 5
NO.

COMPLAINT FOR INJURIES
AND DAMAGES IN TORT

COMES NOW the Plaintiffs, JOHN AND KELLY ARMSTRONG, husband and wife
and the parents of the minor child, MARIAH ARMSTRONG, duly appointed Guardians ad

COMPLAINT

- 1 -

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Matters\Armstrong, Mariah 11-13-
08\Pleadings\Complaint.doc

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 Litem to pursue the injury claims of their daughter referenced herein, by and through their
2 attorney of record, TERRY E. LUMSDEN, for a cause of action against Defendant SPRINGS
3 WINDOW FASHIONS MANUFACTURING CO. USA, INC. (hereafter "Springs Window"), a
4 foreign corporation, d/b/a GRABER; and MIKE & ROBERTA QUIGGLE, individually and as
5 husband and wife, and d/b/a R & M Investors, Inc., a Washington corporation, and allege:
6

7 1.0 PARTIES

8 1.1 Plaintiffs John and Kelly Armstrong are husband and wife, parents and appointed
9 Guardians ad Litem of the minor child, Mariah Armstrong, whose birthday is December 16,
10 2005.

11 1.2 Defendant Springs Window is a foreign corporation of the state of South
12 Carolina.

13 1.3 Mike and Roberta Quiggle are individuals and are husband and wife, and
14

15 1.4 Mike and Roberta Quiggle were doing business as R & M Investors, Inc., a
16 Washington corporation.

17 2.0 JURISDICTION

18 2.1 Plaintiffs at all times noted herein were residents of Mason County.

19 2.2 Springs Window is a foreign corporation of the state of South Carolina.

20 2.3 Mike and Roberta Quiggle are residents of Mason County.

21 2.4 R & M Investors, Inc. was a duly licensed and authorized corporation in the state
22 of Washington, doing business in Mason County.
23

24 COMPLAINT

- 2 -

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2.5 Mason County Superior Court is the proper forum for this claim.

3.0 FACTS

3.1 Defendants Mike & Roberta Quiggle, individually, and as a married couple, and doing business as R & M Investors, Inc., purchased the home from a third party, remodeled the home and sold it on September 2, 2004 to Plaintiffs John and Kelly Armstrong.

3.2 On November 13, 2008 Mariah Armstrong was seriously and permanently injured after putting her head into her home's window blinds' cords designed, manufactured and sold by Defendant Springs Window, under the d/b/a of Graber.

3.3 For many years, manufacturers of window blinds' curtains, etc., including Springs Window, have known of the dangerous nature of window blinds' cords and the hazard they present to minor children.

3.4 Defendant Springs Window has participated in numerous industry meetings, studies and seminars to discuss and analyze this dangerous nature of window blinds' cords.

3.5 Defendant Springs Window has never issued a recall of its product either to wholesalers, retailers or homeowners, nor published in newspapers, magazines, internet or on television, that their window blinds' cords should be removed or otherwise made safe from a child being able to put its head through the cords and choking.

3.6 Defendant Springs Window was asked by Plaintiffs to assist in the expenses of medical treatment therapy and needed for Mariah Armstrong. It declined.

COMPLAINT

- 3 -

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3.7 A preliminary Life Care Plan has been prepared for Mariah Armstrong not including all the future medical care she will need, not including her loss of future earnings, and not including her pain and suffering, at a cost of \$7.5 million dollars.

4.0 CLAIMS

4.1 Defendant Springs Window negligently designed and/or constructed and sold window blinds' cords for the subject home under the trade name of Graber..

4.2 Defendant Springs Windows violated the Washington State Product Liability Act, RCW 7.72 et seq; including negligence, failure to warn, and strict liability.

4.3 Defendant Springs Window failed to follow up, recall, warn, or otherwise attempt to render safe the window blinds' cords, even after decades of overwhelming information about significant injuries to minor children who came into contact with such window blinds' cords.

4.4 Defendants Mike & Roberta Quiggle, individually, as a married couple and d/b/a R& M Investors, Inc. installed or failed to remove said window blinds' cords from the home they purchased, remodeled and sold to the Plaintiffs.

4.5 The negligence of Springs Window and Mike and Roberta Quiggle, individually, as a married couple and d/b/a R & M Investors, Inc., were the sole and proximate causes to Mariah's injuries and the parents' loss of consortium.

4.6 Mariah Armstrong suffered permanent, severe brain damage, pain and suffering, loss of enjoyment of life, disability and dysfunction, loss of future earnings, and incurred medical bills past and future due to defendants' conduct.

COMPLAINT

- 4 -

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1 4.7 Mariah's parents, John and Kelly Armstrong, have suffered loss of consortium,
2 love and affection and companionship with their daughter.

3 5.0 PUNITIVE DAMAGES

4 5.1 Plaintiffs reserve the right to amend the Complaint to add a claim for Punitive
5 Damages under State of Washington "Conflict of Laws" analysis, from the defendant Springs
6 Window Fashions state of incorporation, South Carolina, if the egregious conduct of Springs
7 Window Fashions, as alleged herein, occurred in South Carolina. This reservation also applies if
8 this lawsuit is ever removed to Federal Court.
9

10 6.0 PRAYER FOR RELIEF

11 61 Wherefore, Plaintiffs pray for judgment against the Defendants in such sum as
12 will fairly compensate the Plaintiffs.
13

14 DATED this 10 day of Jan, 2011.
15

16
17 LAW OFFICES OF TERRY E. LUMSDEN

18 
19

20 Terry E. Lumsden, WSBA#5254
21 Attorney for Plaintiffs

22
23
24 COMPLAINT

- 5 -

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MASON CO. WA.

2011 JAN 11 A 11:14

PAT SWARTOS, CO. CLERK
BY 102 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually as husband and wife and
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation; R & M INVESTORS,
INC., a Washington corporation; MIKE AND
ROBERTA QUIGGLE, husband and wife

Defendants

No.

11 2 0002815

PETITION FOR APPOINTMENT
OF GUARDIANS AD LITEM
FOR MINOR MARIAH
ARMSTRONG

3

COMES NOW TERRY E. LUMSDEN, the petitioner and attorney for the minor herein,
and alleges as follows:

PETITION FOR APPOINTMENT OF
GUARDIANS AD LITEM FOR MINOR
MARIAH ARMSTRONG-1

LAW OFFICES OF
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TACOMA, WA 98406
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I.

1
2 Mariah Armstrong is a minor of 5 years of age who was seriously and permanently
3 injured on November 13, 2008, after putting her head into window blinds' cords. Her date of
4 birth is December 16, 2005. John and Kelly Armstrong are the natural parents of Mariah
5 Armstrong. They are responsible and proper persons to be appointed Guardians ad Litem to
6 pursue the minor's claims.
7

8 II.

9 Said minor has a cause of action against Springs Window Fashions Manufacturing CO.,
10 USA Inc., a foreign corporation of the State of South Carolina, R & M Investors, Inc, a
11 corporation of the State of Washington and Mike and Roberta Quiggle, husband and wife, doing
12 business as R & M Investors, Inc.
13

14 III.

15 Said minor may appear in court only by a Guardian ad Litem. No other Guardian Ad
16 Litem has been appointed.

17 WHEREFORE, Petitioner prays that this Court appoint JOHN AND KELLY
18 ARMSTRONG, as Guardians ad Litem for the minor MARIAH ARMSTRONG for the purpose
19 of pursuing this claim.

20 DATED this 10 day of January, 2011.

21 LAW OFFICES OF TERRY E. LUMSDEN

22 By: 

23 Terry E. Lumsden, WSBA #5254
24 Petitioner/Attorney for the Minor

25 PETITION FOR APPOINTMENT OF
26 GUARDIANS AD LITEM FOR MINOR
MARIAH ARMSTRONG-2

LAW OFFICES OF
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PAT SWARTOS, CO. CLERK
BY 10.2 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually as husband and wife and
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation; R & M INVESTORS,
INC., a Washington corporation; MIKE AND
ROBERTA QUIGGLE, husband and wife

Defendants

11 2 00028 5
No.

ORDER APPOINTING
GUARDIANS AD LITEM FOR
MINOR MARIAH ARMSTRONG

(Proposed) TFS

THIS MATTER having come before the court upon the petition for appointment of John
and Kelly Armstrong as Guardians ad Litem of Mariah Armstrong, minor, the petitioner alleging
that the minor has a cause of action against the above-named defendants. Now, therefore, it is
hereby

//

ORDER FOR APPOINTMENT OF GUARDIANS
AD LITEM FOR MINOR MARIAH ARMSTRONG

-1

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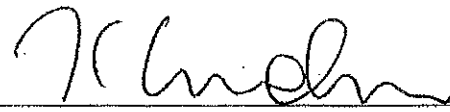
LAW OFFICES OF
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TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 ORDERED that John and Kelly Armstrong are appointed Guardians ad Litem of Mariah
2 Armstrong to pursue her injury claims.

3
4 DONE ~~IN OPEN COURT~~ this 18th day of January 2011.

5
6 
7 JUDGE / ~~COURT COMMISSIONER~~

8 Presented by:
9 LAW OFFICES OF TERRY E. LUMSDEN

10 
11 TERRY E. LUMSDEN, WSBA #5254
12 Petitioner/Attorney for the Minor

13
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25 ORDER FOR APPOINTMENT OF GUARDIANS
26 AD LITEM FOR MINOR MARIAH ARMSTRONG

-2

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PAT SWARTZ, CO. CLERK
BY TD-2 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

No. 11-2-00028-5

FIRST AMENDED SUMMONS

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife; and R & M
INVESTORS, INC., a Washington corporation,

Defendants.

THE STATE OF WASHINGTON
TO: DEFENDANTS ABOVE NAMED

A lawsuit has been started against you in the above-entitled court by the above-named plaintiffs, John and Kelly Armstrong individually as husband and wife and Guardians ad Litem for Mariah Armstrong, minor. Plaintiffs' claim is stated in the written complaint, a copy of which is served upon you with this summons.

FIRST AMENDED SUMMONS-1

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FAX (253) 573-1744

5

1 In order to defend against this lawsuit, you must respond to the complaint by stating your
2 defense in writing, and serve a copy upon the undersigned attorney for the plaintiffs within 20
3 days after the service of this summons, excluding the day of service, or within 60 days after the
4 service of this summons if served outside of the State of Washington, or a default judgment may
5 be entered against you without notice. A default judgment is one where plaintiffs are entitled to
6 what they ask for because you have not responded. If you serve a notice of appearance on the
7 undersigned attorney, you are entitled to notice before a default judgment may be entered.

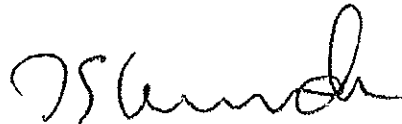
8 You may demand that the plaintiffs file this lawsuit with the court. If you do so, the
9 demand must be in writing and must be served upon the plaintiffs. Within 14 days after you
10 serve the demand, the plaintiffs must file this lawsuit with the court, or the service on you of this
11 summons and complaint will be void.

12 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
13 that your written response, if any, may be served on time.

14 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
15 of Washington.

16 DATED this 31 day of March, 2011.

17 LAW OFFICES OF TERRY E. LUMSDEN

18 

19 TERRY E. LUMSDEN WSBA 5254
20 Attorney for Plaintiffs

21 FIRST AMENDED SUMMONS-2

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23 13-08\Pleadings\1ST Amended Summons.doc

24 LAW OFFICES OF
25 TERRY E. LUMSDEN
26 3517 6TH AVENUE, SUITE 200
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PAT SWARTZ, CO. CLERK
BY TO-14 CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife; and R & M
INVESTORS, INC., a Washington corporation,

Defendants.

NO. 11-2-00028-5

**FIRST AMENDED COMPLAINT
FOR INJURIES
AND DAMAGES IN TORT**

COMES NOW the Plaintiffs, JOHN AND KELLY ARMSTRONG, husband and wife
and the parents of the minor child, MARIAH ARMSTRONG, duly appointed Guardians ad

FIRST AMENDED COMPLAINT

- 1 -

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1 Litem to pursue the injury claims of their daughter referenced herein, by and through their
2 attorney of record, TERRY E. LUMSDEN, for a cause of action against named Defendants and
3 allege:
4

5 6 1.0 PARTIES

7 1.1 Plaintiffs John and Kelly Armstrong are husband and wife, parents and appointed
8 Guardians ad Litem of the minor child, Mariah Armstrong, whose birthday is December 16,
9 2005, and are residents of the State of Washington.

10 1.2 Defendants Springs Window Fashions Manufacturing Co. U.S.A., Inc.; Springs
11 Industries, Inc; and Springs Window Fashions, LLC (hereafter "Springs Window"), are foreign
12 corporations of the state of South Carolina, doing business as Graber.

13 1.3 Defendants Mike and Roberta Quiggle are individuals and are husband and wife,
14 and are also "local Defendants" within the meaning of Federal Removal and Diversity
15 Jurisdiction.
16

17 1.4 Defendant R & M Investors, Inc. (hereafter "R&M") was a Washington
18 corporation and is also a "local Defendant" within the meaning of Federal Removal and
19 Diversity Jurisdiction.
20

21 2.0 JURISDICTION

22 2.1 Plaintiffs at all times noted herein were residents of Mason County.
23

24 FIRST AMENDED COMPLAINT

- 2 -

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1 2.2 Springs Window are foreign corporations of the state of South Carolina.
2
3 2.2 Springs Window violated the State of Washington Long Arm Statute RCW
4 4.28.185, by doing business in Washington and committing a tort in Washington, thus the State
5 of Washington has jurisdiction over Springs Window, the non-resident defendant. Springs
6 Window is a corporation engaged in the business of manufacturing, distributing and/or
7 marketing, *inter alia* corded window covering products, including the window covering which is
8 the subject of this litigation. Springs Window regularly transacts business in the State of
9 Washington, maintains continuous and systematic business contacts with the State of
10 Washington, derives substantial revenue from goods used or consumed in the State of
11 Washington and it purposely directs business activities, including the sale of its window
12 coverings to Washington residents. This cause of action arises out of these contacts with the
13 State of Washington as the accident relates to the sale of window coverings manufactured,
14 distributed and/or marketed by Springs Windows that were sold in the State of Washington to a
15 resident of this state.
16

17 2.3 Defendants Mike and Roberta Quiggle are husband and wife and residents of
18 Mason County, Washington.

19 2.4 R & M was a duly licensed and authorized corporation in the state of Washington,
20 doing business in Mason County.

21 2.5 Mason County Superior Court is the proper forum for this claim.
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3.0 **FACTS**

3.1 Defendants Mike & Roberta Quiggle, individually, and as a married couple, and doing business as R & M Investors, Inc., purchased the home from a third party, remodeled the home and sold it on September 2, 2004 to Plaintiffs John and Kelly Armstrong.

3.2 On or about November 13, 2008, Mariah Armstrong was seriously and permanently injured after she became entangled in a cord of a corded window covering manufactured by Defendants Springs Window and was strangled, asphyxiated, and died. She was revived by her father but suffers severe and permanent brain damage.

3.3 Defendants Springs Window designed, fabricated, manufactured and sold the aforesaid corded window covering product in the course of Defendants' business, and at the time of doing so, knew the aforesaid product was in a defective condition, unreasonably dangerous when put to its reasonably anticipated use, and when used in a manner reasonably anticipated.

3.4 For many years, manufacturers of window coverings, etc., including Defendants Springs Window, have known of the dangerous nature of window blinds cords and the hazard they present to minor children.

3.5 Defendants Springs Window have never issued an adequate and/or proper recall of its product either to wholesalers, retailers or homeowners, nor adequately published in newspapers, magazines, internet or on television, appropriate information that their window blind cords should be removed or otherwise made safe from a child being able to put its head through the cords and choking.

1 3.6 Defendants Springs Window were asked by Plaintiffs to assist in the expenses of
2 medical treatment and therapy and needed for Mariah Armstrong. It declined.

3 3.7 As a direct and proximate result of the injuries caused by Defendants, each of
4 them, Plaintiff Mariah Armstrong has been caused to suffer and will continue to suffer into the
5 future significant medical damages for her care and treatment, loss of future earnings, pain and
6 suffering, and pursuant to a preliminary Life Care Plan, the cost of said care and treatment
7 exceeding \$7.5 million dollars.
8

9
10 **4.0 CLAIMS – SPRINGS WINDOW-PRODUCTS LIABILITY**

11 4.1 Defendants Springs Window designed, fabricated, manufactured and sold the
12 aforesaid corded window covering product in the course of Springs Window's business and at
13 the time of doing so, knew the aforesaid product was in a defective condition, unreasonably
14 dangerous when put to its reasonably anticipated use, and when used in the manner reasonably
15 anticipated.
16

17 4.2 The product was sold by Defendants Springs Window in a defective and an
18 unreasonably dangerous condition in one or more of the following respects:

- 19 a. Defendants' product was sold without mechanisms to prevent
20 strangulation;
21 b. Defendants' product contained cords capable of obtaining a length in
22 excess of 7 1/4 inches which posed an unreasonable risk of strangulation.
23 c. Defendants' product failed to contain proper warnings and/or failed to
24 provide adequate information regarding possible strangulation hazards

1 associated with the product.

- 2 d. Defendants' product failed to contain a lift cord system that would
3 eliminate cords and/or the risk of strangulation.
- 4 e. Defendants' product failed to comply with the 1996 and 2000 recall
5 programs in that product was not modified, retrofitted, recalled or
6 redesigned to avoid the risk of strangulation.
- 7 f. Defendants' product at the time of sale and/or installation failed to have
8 adequate safety devices to reduce access to and/or eliminate loops and
9 cord hazards.

10 4.3 The death, and resuscitation, of Mariah Armstrong occurred as a direct and
11 proximate result of one or more of the aforesaid defective conditions in which the existing
12 corded window covering product was sold by Springs Window.

13 4.4 As a result of the aforesaid product defects, Mariah Armstrong suffered
14 permanent and severe brain damage, past pain and suffering, future pain and suffering, loss of
15 enjoyment of life, disability and dysfunction, loss of future earnings, and has incurred past
16 medical bills and will incur medical bills into the future due to Defendants' conduct.

17 4.5 Mariah Armstrong's parents, John and Kelly Armstrong, have suffered loss of
18 consortium, love, affection and companionship with their daughter.

19
20 **5.0 CLAIMS – SPRINGS WINDOW - NEGLIGENCE**

21 5.1 Defendants Springs Window designed, fabricated, manufactured and sold the
22 aforesaid corded window covering product in the course of Defendants' business and at the time
23 of doing so, was negligent in that it knew or should have known that the aforesaid product was in

1 a defective condition and unreasonably dangerous when put to its reasonably anticipated use, and
2 when used in a manner reasonably anticipated.

3 5.2 Defendants Springs Window failed to use ordinary care in the design,
4 manufacture, testing, labeling, distributing, supplying, servicing and retailing of the blind and its
5 component parts so as to not injure or kill its users, including Mariah Armstrong, in one or more
6 of the following respects:
7

- 8 a. Defendants were negligent in allowing the aforesaid product to be sold
9 without mechanisms to prevent strangulation;
- 10 b. Defendants were negligently allowed the product to contain cords capable
11 of obtaining a length in excess of 7 1/4 inches which pose an unreasonable
12 risk of strangulation.
- 13 c. Defendants' product negligently failed to contain proper warnings and/or
14 failed to provide adequate information regarding the possible strangulation
15 hazards associated with the product.
- 16 d. Defendants' product negligently failed to contain a lift cord system that
17 would eliminate cords and/or the risk of strangulation.
- 18 e. Defendants negligently failed to take adequate measures to redesign their
19 product to avoid the risk of strangulation;
- 20 f. Defendants negligently failed to modify, retrofit and/or adequately recall a
21 known defective product sold by them, having undertaking to do so.
- 22 g. Defendants negligently failed to supply with the product at the time of sale
23 and/or installation adequate safety devices to reduce access to and/or
24 eliminate loops and cord hazards.
- 25 h. Defendants' product was negligently manufactured and sold in a condition
26 such that it failed to perform safely as an ordinary consumer would expect
when the product was used in a reasonably foreseeable manner.

- 1
- 2 i.. Defendants were negligent in failing to retrofit the aforesaid window
- 3 covering pursuant to the 1994 and/or 2000 industry-wide recall and retrofit
- 4 programs, about which they knew or should have known.
- 5 j. Defendants knew or should have known of the unreasonable risk of
- 6 strangulation resulting in death or serious injury from the use of corded
- 7 window products, yet failed to make accommodations to eliminate cords
- 8 and/or the aforesaid danger.
- 9 k. Defendants failed to consult with purchasers at the time of purchase,
- 10 and/or by providing adequate safety information on the exterior
- 11 packaging, as to which product would be most suitable for the application
- 12 purchaser intended and failed to consult with Plaintiff regarding
- 13 alternative feasible products including cordless alternatives.

14 5.3 The injuries to Mariah Armstrong occurred as a direct and proximate result of one

15 or more of the aforesaid defective conditions which existed when the corded window covering

16 product was sold by Defendants Springs Window.

17 5.4 As a result of the aforesaid product defects, Mariah Armstrong suffered

18 permanent and severe brain damage, past pain and suffering, future pain and suffering, loss of

19 enjoyment of life, disability and dysfunction, loss of future earnings, and has incurred past

20 medical bills and will incur medical bills into the future due to Defendants' conduct.

21 **6.0 CLAIMS - SPRINGS WINDOW - FAILURE TO WARN**

22 6.1 Defendants Springs Window manufactured, sold, placed into the stream of

23 commerce and allowed to be installed into the home of Plaintiffs a defective window covering.

24 Said window covering was sold in the course and scope of Defendants Springs Window's

1 business.

2 6.2 The window covering was unreasonably dangerous when put to its reasonably
3 anticipated use without the knowledge of its characteristics.

4 6.3 The window covering failed to contain adequate warnings or instructions
5 concerning the safe methods for installation and use and/or adequate warnings of the danger of
6 strangulation as referenced herein; Defendants Springs Window further failed to warn as to the
7 most suitable product for the application.

8 6.4 At all pertinent times hereto, the window covering was used in the manner
9 reasonably anticipated by Defendants Springs Window.

10 6.5 As a direct and proximate result of Defendants Springs Window's failure, Mariah
11 Armstrong strangled on a corded window covering. As a result, Mariah Armstrong and her
12 parents, John and Kelly Armstrong, were damaged.
13
14

15 7.0 CLAIMS – QUIGGLE – NEGLIGENCE

16 7.1 At all relevant times hereto, the Quiggle Defendants were in the business of
17 purchasing property and renovating the said property for sale.

18 7.2 The Quiggle Defendants, as prior owners of the home in the business of rehabbing
19 properties had a duty to keep and maintain the premises in a reasonably safe condition.
20

21 7.3 The Quiggle Defendants had a duty to use reasonable care in looking for and
22 discovering dangerous conditions that they either knew or should have known as a result of
23

1 being in the remodeling business.

2 7.4 The Quiggle Defendants allowed corded window covering products, which they
3 knew or should have known were unsafe, to remain in the subject home, creating risk of injury to
4 persons residing in the home upon sale, including Mariah Armstrong.

5 7.5 The Quiggle Defendants sold the home to the Armstrongs and in doing so, knew
6 or should have known of the foreseeable and unsafe condition of the window covering product
7 and knew or should have known of the potential uses of corded window covering products.

8 7.6 The Quiggle Defendants were negligent in installing and/or maintaining or
9 allowing the window covering to remain in the property in or more of the following respects:
10

- 11 a. The Quiggle Defendants were negligent in the maintenance of the
12 blind, in that, Defendants negligently allowed to remain cords of
13 greater than 7 1/4 inches in length, in an unsecured fashion, creating an
unreasonable risk of danger of cord strangulation;
- 14 b. The Quiggle Defendants were negligent in failing to retrofit the
15 aforesaid blinds pursuant to the 1994 and/or 2000 industry-wide recall
16 and retrofit programs, about which they knew or should have known.
- 17 c. The Quiggle Defendants knew or should have known of the
18 unreasonable risk of strangulation resulting in death or serious injury
from the use of corded window products, yet failed to make
accommodations to eliminate the aforesaid danger.
- 19 d. The Quiggle Defendants were negligent in that they knew or should
20 have known that the retrofit kits and tie down devices were available
21 for installation, yet failed to obtain and install such retrofit kits of the
recalled window coverings for the home.
- 22 e. The Quiggle Defendants knew or should have known that the corded
23 window covering product in question was defective at the time of
installation, yet installed it and/or allowed it to remain despite such

known danger.

- f. Upon learning that the window covering in question was defective, the Quiggle Defendants failed to remove it from the apartment in question and/or modify the product to reduce the risks of strangulation.
- g. The Quiggle Defendants were negligent in renting an apartment which had dangerous and defective window coverings, on which the hang tag warnings had been removed.
- h. The Quiggle Defendants failed to use reasonable care in keeping and maintaining the premises in a reasonably safe condition.
- i. The Quiggle Defendants failed to make a reasonable investigation to discover dangerous conditions on the rental property, to wit, the window coverings that had been recalled in 1994 and 2000 for posing an unacceptable risk of strangulation to small children.
- j. The Quiggle Defendants failed to warn of the aforesaid known dangers and/or defective conditions.

7.7 The negligence of the Quiggle Defendants caused or contributed to cause the severe and permanent injuries sustained by Mariah Armstrong and her parents, John and Kelly Armstrong.

7.8 As a result of the aforesaid negligence, Mariah Armstrong suffered permanent and severe brain damage, past pain and suffering, future pain and suffering, loss of enjoyment of life, disability and dysfunction, loss of future earnings, and has incurred past medical bills and will incur medical bills into the future, and Mr. and Mrs. Armstrong suffered loss of consortium, due to Defendants' conduct.

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8.0 CLAIMS -R&M- NEGLIGENCE

8.1 At all relevant times hereto, R&M was in the business of purchasing property and renovating the said property for sale.

8.2 R&M, as a prior owner of the home in the business of rehabbing properties had a duty to keep and maintain the premises in a reasonably safe condition.

8.3 R&M had a duty to use reasonable care in looking for and discovering dangerous conditions that it either knew or should have known as a result of being in the remodeling business.

8.4 R&M allowed corded window covering products, which it knew or should have known were unsafe, to remain in the subject home, creating risk of injury to persons residing in the home upon sale, including Mariah Armstrong.

8.5 R&M sold the home to the Armstrongs and in doing so, knew or should have known of the foreseeable and unsafe condition of the window covering product and knew or should have known of the potential uses of corded window covering products.

8.6 R&M was negligent in installing and/or maintaining or allowing the window covering to remain in the property in or more of the following respects:

- a. R&M was negligent in the maintenance of the blind, in that, Defendant negligently allowed to remain cords of greater than 7 1/4 inches in length, in an unsecured fashion, creating an unreasonable risk of danger of cord strangulation;
- b. R&M was negligent in failing to retrofit the aforesaid blinds pursuant to the 1994 and/or 2000 industry-wide recall and retrofit programs, about which they knew or should have known.

- c. R&M knew or should have known of the unreasonable risk of strangulation resulting in death or serious injury from the use of corded window products, yet failed to make accommodations to eliminate the aforesaid danger.
- d. R&M was negligent in that it knew or should have known that the retrofit kits and tie down devices were available for installation, yet failed to obtain and install such retrofit kits of the recalled window coverings for the home.
- e. R&M knew or should have known that the corded window covering product in question was defective at the time of installation, yet installed it and/or allowed it to remain despite such known danger.
- f. Upon learning that the window covering in question was defective, R&M failed to remove it from the apartment in question and/or modify the product to reduce the risks of strangulation.
- g. R&M was negligent in renting an apartment which had dangerous and defective window coverings, on which the hang tag warnings had been removed.
- h. R&M failed to use reasonable care in keeping and maintaining the premises in a reasonably safe condition.
- i. R&M failed to make a reasonable investigation to discover dangerous conditions on the rental property, to wit, the window coverings that had been recalled in 1994 and 2000 for posing an unacceptable risk of strangulation to small children.
- j. R&M failed to warn of the aforesaid known dangers and/or defective conditions.

8.7 The negligence of R&M caused or contributed to cause the severe and permanent injuries sustained by Mariah Armstrong and her parents, John and Kelly Armstrong.

8.8 As a result of the aforesaid negligence, Mariah Armstrong suffered permanent and

1 severe brain damage, past pain and suffering, future pain and suffering, loss of enjoyment of life,
2 disability and dysfunction, loss of future earnings, and has incurred past medical bills and will
3 incur medical bills into the future, and Mr. and Mrs. Armstrong suffered loss of consortium, due
4 to Defendants' conduct.

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7 **9.0 PRAYER FOR RELIEF**

8 9.1 Wherefore, Plaintiffs pray for judgment against the Defendants in such sum as
9 will fairly compensate the Plaintiffs, together with costs herein expended and such further relief
10 as the Court deems just and proper.

11
12 DATED this 11 day of March, 2011.

13
14 LAW OFFICES OF TERRY E. LUMSDEN

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16
17 Terry E. Lumsden, WSBA#5254
18 Attorney for Plaintiffs

REC'D & FILED
MASON CO. WA.

2011 APR 11 P 4: 04

PAT SWARTZ, CO. CLERK
BY 103 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife; and R & M
INVESTORS, INC., a Washington corporation,

Defendants.

NO. 11-2-00028-5

MOTION FOR ORDER
AUTHORIZING SERVICE BY
MAIL

CR(4)(d)(4)

MOTION FOR ORDER AUTHORIZING
SERVICE BY MAIL

- 1 -

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

ORIGINAL

1 I. RELIEF REQUESTED

2 COMES NOW the Plaintiff, by and through her attorney of record, Terry E. Lumsden,
3 and prays the court for authority to process service on Defendants Mike Quiggle, Roberta
4 Quiggle and R&M Investors, Inc. by regular and certified mailing copies of the Complaint, First
5 Amended Complaint and First Amended Complaint.
6

7 II. FACTS

8 Plaintiff delivered copies for service on the subject Defendants to ABC Legal Messenger
9 Service on Friday, April 1, 2011. Plaintiff has been advised by ABC that numerous attempts
10 have been made at Defendant's last known address: 275 E Spencer Glen, Shelton, WA 98584.
11 We are told this is a garage of a duplex in which they live. Plaintiff's counsel has been told a car
12 registered to Defendants has been parked at that site (see attached Declaration of Lydia
13 Patterson). There has been no response to numerous knocks on the door and inquiries to the
14 duplex resident (see attached Declaration of Lydia Patterson). Neighbors and the duplex resident
15 affirm the Defendants live there.
16

17 Plaintiff has retained an independent process server to attempt service and "stake out" the
18 residence. Plaintiff has also retained the Mason County Sheriff's Office, Civil Division, to
19 attempt service. Today the local county deputy Sheriff spoke with Mr. Quiggle on the phone and
20 Mr. Quiggle confirmed 275 E Spencer Glen, Shelton, WA 98584 is the address of his home and
21 that he and his wife would be out of the county for several days and instructed the officer to put
22 the papers in his home through the dog door. The officer and the process server did so.
23

24 MOTION FOR ORDER AUTHORIZING
25 SERVICE BY MAIL

- 2 -

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

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III. LAW

CR(d)(4) states as follows:

Alternative to Service by Publication. In circumstances justifying service by publication, in the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication, the court may order that service be made by any person over 18 years of age, who is competent to be a witness, other than a party, by mailing copies of the summons and other process to the party to be served at his last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender. The summons shall contain the date it was deposited in the mail and shall require the defendant to appear and answer the complaint within 90 days from the date of mailing. Service under this subsection has the same jurisdictional effect as service by publication.

DATED this 11th day of April, 2011.

LAW OFFICES OF TERRY E. LUMSDEN



Terry E. Lumsden, WSBA#5254
Attorney for Plaintiffs

MOTION FOR ORDER AUTHORIZING
SERVICE BY MAIL

- 3 -

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

REC'D & FILED
MASON CO. WA.

2011 APR 11 P 4:05

PAT SWARTOS, CO. CLERK

BY 10-5 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife; and R & M
INVESTORS, INC., a Washington corporation,

Defendants.

NO. 11-2-00028-5

DECLARATION OF LYDIA
PATTERSON IN SUPPORT OF
MOTION FOR ORDER
AUTHORIZING SERVICE BY
MAIL

CR(4)(d)(4)

DECLARATION OF LYDIA PATTERSON IN
SUPPORT OF MOTION FOR ORDER
AUTHORIZING SERVICE BY MAIL

- 1 -

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

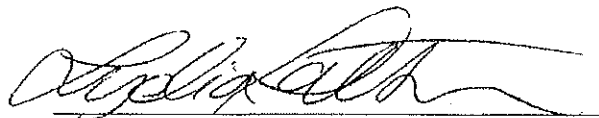
ORIGINAL

1 Exhibit 1, attached hereto, is a list of vehicles registered to Mike and Roberta Quiggle.
2 One, a 2000 Ford Explorer, WA license plate 77584DP, has been parked at the address of 275 E
3 Spencer Glen, Shelton, WA 98584 all week.

4 Exhibit 2 attached hereto is confirmation of several attempts to serve Defendants by ABC
5 Legal Messenger Service.

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8 DATED this 11th day of April, 2011.

9 LAW OFFICES OF TERRY E. LUMSDEN

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12 Lydia Patterson
13 Paralegal to Terry E. Lumsden
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24 DECLARATION OF LYDIA PATTERSON IN
25 SUPPORT OF MOTION FOR ORDER
26 AUTHORIZING SERVICE BY MAIL

- 2 -

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

Lydia Patterson

From: Chris Woodruff [cpw_inv@comcast.net]

Sent: Thursday, April 07, 2011 11:13 AM

To: Lydia Patterson

Subject: Quiggle vehicles

2001 Mitsubishi Elcipse, red, WA plate 788YFY, tags current, registered to 271 E Spencer Glenn Dr

1992 CARIB (sic) camper, WA plate 5799VT, tags current, reg at 275 E Spencer Glenn

2000 Ford Explorer, brown/cream, WA plate 77584DP, tags current, reg at 271 E Spencer

1987 Calkn - boat trailer, silver, WA plate 7525WN, tags expired March 2011, reg at 271 E Spencer

1987 Searay, 18', hull reg WN-6363LD, tags current, reg to 271 E Spencer

2003 Dodge Neon, color not specified, WA plate 173ZUI, tags current, registered to Michele R. Quiggle at 271 E Spencer

Chris Woodruff | Woodruff & Associates, LLC

1402 Lake Tapps Pkwy E • Suite F-104, # 160 • Auburn, WA 98092

PHONE: 253.876.9119

FAX: 866.445.7404

E-MAIL: cpw_inv@comcast.net

Fx. 1

SUPERIOR COURT, IN AND FOR THE COUNTY OF MASON, STATE OF WASHINGTON

JOHN AND KELLY ARMSTRONG,
INDIVIDUALLY
AS HUSBAND AND WIFE AND AS GUARDIAN
AD LITEM FOR MARIAH ARMSTRONG,
MINOR
vs.
SPRINGS WINDOW FASHIONS
MANUFACTURING
CO USA, INC., A FOREIGN CORPORATION;
ET AL.

Cause No. 11-2-00028-5

Narrative Declaration of Attempted Service of
COMPLAINT FOR INJURIES AND DAMAGES IN
TORT; FIRST AMENDED COMPLAINT FOR INJURIES
AND DAMAGES IN TORT; FIRST AMENDED
SUMMONS

State Of Washington County of Thurston

The undersigned hereby declares: That (s)he is now, and at all times herein mentioned, a citizen of the United States and resident of the State of Washington, over the age of eighteen, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On or about April 5 2011 ABC Legal Services, Inc. received the above listed document(s) for service on MIKE QUIGGLE at the address of 271 E SPENCER GLEN DR SHELTON, WA 98584.

On 4/6/11 at 6:55pm I T. Hedgpeth, a qualified process server went to the address given for the subject listed above and found the premises to be vacant.

On 4/7/11 at 3:49pm I went to the address given by our client for the subject at 301 Wallace Kneeland Blvd #224, Shelton, WA 98584 but found this to be a private mail box company.

On 4/7/11 at 4:15pm I went to another address provide by our client for the subject at 370 Lakeshore Dr, Shelton, WA 98584. I spoke to a resident who stated this was the Earles residence and the subject was unknown here.

On 4/7/11 at 4:20pm I went to the address of 370 E Lakeshore Dr E, Shelton, WA 98584 and found this property to be vacant. It is managed by Properties Northwest of Gig Harbor.

On 4/7/11 at 4:36pm I went to the address of 275 E Spencer Glen, Shelton, WA 98584 but didn't receive a response at the door. There was a plum colored 2000 Ford Explorer on the premises with license number 77584DP what is registered to the subjects.

On 4/8/11 at 10:15am I returned to the Spencer Glen address but didn't receive any response at the door. There were no cars on the premises.

On 4/8/11 at 9:27pm I went to the Spencer Glen address but didn't receive response at the door. There were no cars on the premises.

On 4/9/11 at 1:49pm I C. Heater, a qualified process server went to the Spencer Glen address but didn't receive a response at the door. The Ford seen on the prior attempt was on the premises. There is a place on the door with the names Mike & Robert Quiggle on it. Neighbor states since "truck" isn't there, the subject might not be home.

On 4/10/11 at 5:06pm I J. Heater, a qualified process server went to the given address but there was no response at the door.

On 4/11/11 at 6:46pm I C. Heater returned to the address given but received no response at the door.

At this time, ABC Legal Services, Inc. is unable to serve the defendant (s).

The information provided is deemed reliable, however, is not guaranteed to be an exhaustive effort to locate the subject(s). It is a summary of our attempts to locate the subject(s) listed for the purpose of service of legal process. ABC Legal Services, Inc. utilizes information provided by the client, obtained from public and private sources, and confidential informants as approved by the client.

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

T. Hedgpeth

Dated April 11 2011

C. Heater

J. Heater

Lumsden, Terry

Narrative Declaration of Attempted Service

ABC Legal Services, Inc.
Tracking # 6681929

REC'D & FILED
MASON CO. WA.

2011 APR 11 P 4:05

PAT SWARTOS, CO. CLERK
BY 10-2 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife; and R & M
INVESTORS, INC., a Washington corporation,

Defendants.

NO. 11-2-00028-5

ORDER AUTHORIZING
SERVICE BY MAIL

CR(4)(d)(4)

Based upon Plaintiff's Motion and Declaration for Order Authorizing Service by Mail,
CR(4)(d)(4), it is hereby

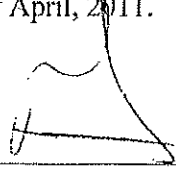
ORDER AUTHORIZING SERVICE BY MAIL

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

ORIGINAL

1 ORDERED, AJUDGED AND DECREED that Plaintiff's counsel is authorized to mail to
2 Defendants Mike Quiggle, Roberta Quiggle and R&M Investors, Inc., regular and certified,
3 Complaint, First Amended Summons and First Amended Complaint.
4

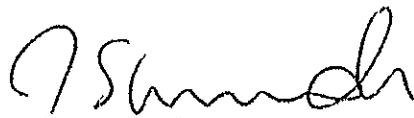
5 DATED this 11 day of April, 2011.
6

7
8 
9 Judge/Court Commissioner

10 ROBERT SAUERENDER

11 SUBMITTED this 11 day of April, 2011.

12 LAW OFFICES OF TERRY E. LUMSDEN

13
14 

15 Terry E. Lumsden, WSBA#5254
16 Attorney for Plaintiffs
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24 ORDER AUTHORIZING SERVICE BY MAIL

25 LAW OFFICES OF
26 **TERRY E. LUMSDEN**
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

ORIGINAL

REC'D & FILED
MASON CO. WA.

2011 APR 20 A 11:09

PAT SWARTOS, CO. CLERK
BY dyt DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

**NOTICE OF APPEARANCE FOR
DEFENDANTS SPRINGS
WINDOW FASHIONS
MANUFACTURING CO., USA,
INC., SPRINGS INDUSTRIES,
INC., and SPRINGS WINDOW
FASHIONS, LLC, all dba GRABER**

Clerk's Action Required

TO: THE CLERK OF THE COURT; and
TO: TERRY E. LUMSDEN, Attorney for Plaintiffs:

NOTICE OF APPEARANCE - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 Third Avenue, Suite 805
Seattle, WA 98104
Telephone: (206) 515-4800/ Fax: (206) 515-4848

1 PLEASE TAKE NOTICE that the appearance of defendants, SPRINGS
2 WINDOW FASHIONS MANUFACTURING CO., USA, INC., SPRINGS
3 INDUSTRIES, INC., and SPRINGS WINDOW FASHIONS, LLC, all dba GRABER,
4 reserving all defenses, including but not limited to defects in jurisdiction and/or service,
5 is hereby entered in the above-captioned action through the undersigned attorneys, and
6 that all future pleadings and papers, exclusive of original process, are to be served upon
7 said attorneys at the address below stated:

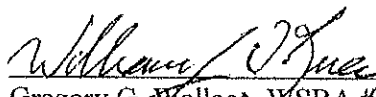
8 Gregory G. Wallace
9 Law Office of William J. O'Brien
10 999 Third Avenue, Suite 805
11 Seattle, WA 98104

12 Telephone: (206) 515-4800
13 Facsimile: (206) 515-4848

14 DATED this 9th day of April, 2011.

15 LAW OFFICE OF WILLIAM J. O'BRIEN

16 By:


17 Gregory G. Wallace, WSBA #29029
18 Attorneys for Defendants Springs Window
19 Fashions Mfg. Co. USA, Inc., Springs
20 Industries, Inc., and Springs Window
21 Fashions, LLC, all dba Graber
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

CERTIFICATE OF SERVICE

The undersigned declares as follows:

I am over the age of 18 years, not a party to this action, and competent to be a
witness herein.

CERTIFICATE OF SERVICE - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 THIRD AVENUE, SUITE 805
SEATTLE, WA 98104
TELEPHONE (206) 515-4800/FACSIMILE (206) 515-4848

1 On the 19th day of April, 2011, I caused to be delivered a true and correct copy
2 of:

3 1. Notice of Appearance for Defendants Springs Window Fashions
4 Manufacturing Co., USA, Inc., Springs Industries, Inc., and Springs Window
5 Fashions, LLC, all dba Graber; and
6

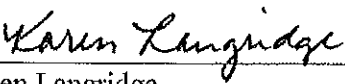
7 2. Certificate of Service

8 to the following counsel of record:

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
COUNSEL FOR PLAINTIFF:	<input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via ABC <input checked="" type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Overnight Mail
Terry E. Lumsden Attorney at Law 3517 Sixth Ave., Suite 200 Tacoma, WA 98406	
CO-COUNSEL FOR DEFENDANT SPRINGS:	<input checked="" type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via ABC <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Overnight Mail
Jameson B. Carroll JBC Law Group, LLC 2221 Peachtree Rd., Suite D-322 Atlanta, GA 30309	

17 I declare under penalty of perjury under the laws of the State of Washington that
18 the foregoing is true and correct.
19

20 DATED this 19th day of April, 2011.

21
22 
23 Karen Langridge

REC'D & FILED
MASON CO. WA.

2011 APR 28 A 10:56

PAT SWARTOS, CO. CLERK
BY TD DEPUTY

SUPERIOR COURT OF WASHINGTON
IN AND FOR MASON COUNTY

JOHN and KELLY ARMSTRONG,
Individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiff,

V.

Michael C Quiggle and Roberta L Quiggle
Individually and as husband and wife, and
d/b/a R & M Investors, Inc., a Washington
corporation

Defendants.

No. 11 2 00028 5

NOTICE OF APPEARANCE PRO PER
MOTION FOR DISMISSAL

Defendants, Michael C Quiggle and Roberta L Quiggle, individually, as husband and wife, d/b/a R & M Investors, Inc, a Washington corporation deny all allegations in this complaint. We are without sufficient knowledge or information to admit or deny the truth or falsity of the allegations therein and therefore deny the same.

Wherefore we request this complaint be dismissed with prejudice.

DATED: April 28, 2011

Michael C. Quiggle
MICHAEL C QUIGGLE, Utility

by

Michael C. Quiggle
Michael C: Quiggle, Authorized Agent

Roberta L Quiggle
ROBERTA L QUIGGLE, Utility

by

Roberta L Quiggle
Roberta L: Quiggle, Authorized Agent

REC'D & FILED
MASON CO. WA.

2011 APR 28 P 3:17

PAT SWARTOS, CO. CLERK
BY 10-25 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife; and R & M
INVESTORS, INC., a Washington corporation,

Defendants.

NO. 11-2-00028-5

DECLARATION OF
SERVICE BY MAIL

Lydia Patterson, being first duly sworn, hereby states that on the 11th day of April, 2011,
at the city of Tacoma, Pierce County, Washington, she served the attached Order Authorizing

DECLARATION OF SERVICE BY MAIL - 1 -

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

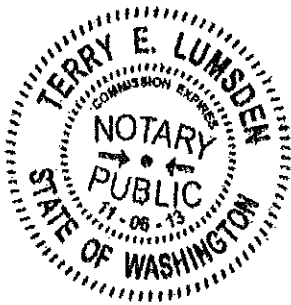
ORIGINAL

1 Service by Mail, Complaint, First Amended Summons and First Amended Complaint by
2 depositing in the United States mail at said City of Tacoma, true and correct copies thereof,
3 properly enveloped with prepaid postage, regular and certified, to the individuals named below at
4 the provided address:

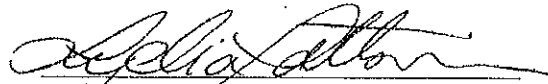
5 Mike and Roberta Quiggle
6 275 E Spencer Glen
7 Shelton, WA 98584

Mike Quiggle, Registered Agent for R&M Investors, Inc.
275 E Spencer Glen
Shelton, WA 98584

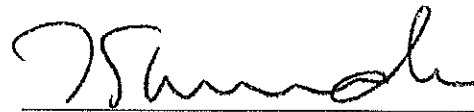
9 DATED this 25 day of April, 2011.



11 LAW OFFICES OF TERRY E. LUMSDEN

12
13 
14 Lydia Patterson
15 Paralegal to Terry E. Lumsden

16 SUBSCRIBED AND SWORN TO before me this 25 day of April, 2011.

17
18 

19 NOTARY PUBLIC in and for the

20 State of WA

21 Residing at 010119

22 My Commission expires 11/6/13

23
24 DECLARATION OF SERVICE BY MAIL - 2 -

25 LAW OFFICES OF
26 TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1
2
3
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5
6
7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
8 IN AND FOR THE COUNTY OF MASON

9 JOHN AND KELLY ARMSTRONG,
10 individually, as husband and wife and as
11 Guardians ad Litem for MARIAH
12 ARMSTRONG, minor

13 Plaintiffs,

14 vs.

15 SPRINGS WINDOW FASHIONS
16 MANUFACTURING CO. USA, INC., a
17 foreign corporation; SPRINGS INDUSTRIES,
18 INC., a foreign corporation; and SPRINGS
19 WINDOW FASHIONS, LLC, a foreign
20 corporation, all d/b/a GRABER; MIKE &
21 ROBERTA QUIGGLE, individually and as
22 husband and wife; and R & M
23 INVESTORS, INC., a Washington corporation,

24 Defendants.

NO. 11-2-00028-5

ORDER AUTHORIZING
SERVICE BY MAIL

CR(4)(d)(4)

25 Based upon Plaintiff's Motion and Declaration for Order Authorizing Service by Mail,

26 CR(4)(d)(4), it is hereby

ORDER AUTHORIZING SERVICE BY MAIL

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 ORDERED, AJUDGED AND DECREED that Plaintiff's counsel is authorized to mail to
2 Defendants Mike Quiggle, Roberta Quiggle and R&M Investors, Inc., regular and certified,
3 Complaint, First Amended Summons and First Amended Complaint.
4

5 DATED this 11th day of April, 2011.
6

7 /s/
8 Commissioner Robert Sauerlender
9

10
11 SUBMITTED this 11th day of April, 2011.
12

13 LAW OFFICES OF TERRY E. LUMSDEN
14

15 /s/
16 Terry E. Lumsden, WSBA#5254
17 Attorney for Plaintiffs
18
19
20
21
22
23

24 ORDER AUTHORIZING SERVICE BY MAIL
25
26

LAW OFFICES OF
TERRY E. LUMSDEN
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TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

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MASON CO. WA.

2011 JAN 11 A 11:14

PAT SWARTOS, CO. CLERK
BY _____ DEPUTY

COPY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation, d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife, and d/b/a R & M Investors,
Inc., a Washington corporation,

Defendants.

11 2 00028 5

NO.

COMPLAINT FOR INJURIES
AND DAMAGES IN TORT

COMES NOW the Plaintiffs, JOHN AND KELLY ARMSTRONG, husband and wife
and the parents of the minor child, MARIAH ARMSTRONG, duly appointed Guardians ad

COMPLAINT

- 1 -

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Matters\Armstrong, Mariah 11-13-
08\Pleadings\Complaint.doc

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 Litem to pursue the injury claims of their daughter referenced herein, by and through their
2 attorney of record, TERRY E. LUMSDEN, for a cause of action against Defendant SPRINGS
3 WINDOW FASHIONS MANUFACTURING CO. USA, INC. (hereafter "Springs Window"), a
4 foreign corporation, d/b/a GRABER; and MIKE & ROBERTA QUIGGLE, individually and as
5 husband and wife, and d/b/a R & M Investors, Inc., a Washington corporation, and allege:
6

7 1.0 PARTIES

8 1.1 Plaintiffs John and Kelly Armstrong are husband and wife, parents and appointed
9 Guardians ad Litem of the minor child, Mariah Armstrong, whose birthday is December 16,
10 2005.

11 1.2 Defendant Springs Window is a foreign corporation of the state of South
12 Carolina.

13 1.3 Mike and Roberta Quiggle are individuals and are husband and wife, and
14

15 1.4 Mike and Roberta Quiggle were doing business as R & M Investors, Inc., a
16 Washington corporation.

17 2.0 JURISDICTION

18 2.1 Plaintiffs at all times noted herein were residents of Mason County.

19 2.2 Springs Window is a foreign corporation of the state of South Carolina..

20 2.3 Mike and Roberta Quiggle are residents of Mason County.

21 2.4 R & M Investors, Inc. was a duly licensed and authorized corporation in the state
22 of Washington, doing business in Mason County.
23

24 COMPLAINT

- 2 -

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26 Matters\Armstrong, Mariah 11-13-
08\Pleadings\Complaint.doc

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FAX (253) 573-1744

2.5 Mason County Superior Court is the proper forum for this claim.

3.0 FACTS

3.1 Defendants Mike & Roberta Quiggle, individually, and as a married couple, and doing business as R & M Investors, Inc., purchased the home from a third party, remodeled the home and sold it on September 2, 2004 to Plaintiffs John and Kelly Armstrong.

3.2 On November 13, 2008 Mariah Armstrong was seriously and permanently injured after putting her head into her home's window blinds' cords designed, manufactured and sold by Defendant Springs Window, under the d/b/a of Graber.

3.3 For many years, manufacturers of window blinds' curtains, etc., including Springs Window, have known of the dangerous nature of window blinds' cords and the hazard they present to minor children.

3.4 Defendant Springs Window has participated in numerous industry meetings, studies and seminars to discuss and analyze this dangerous nature of window blinds' cords.

3.5 Defendant Springs Window has never issued a recall of its product either to wholesalers, retailers or homeowners, nor published in newspapers, magazines, internet or on television, that their window blinds' cords should be removed or otherwise made safe from a child being able to put its head through the cords and choking.

3.6 Defendant Springs Window was asked by Plaintiffs to assist in the expenses of medical treatment therapy and needed for Mariah Armstrong. It declined.

COMPLAINT

- 3 -

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08\Pleadings\Complaint.doc

**LAW OFFICES OF
TERRY E. LUMSDEN**
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 3.7 A preliminary Life Care Plan has been prepared for Mariah Armstrong not
2 including all the future medical care she will need, not including her loss of future earnings, and
3 not including her pain and suffering, at a cost of \$7.5 million dollars.

4 4.0 CLAIMS

5 4.1 Defendant Springs Window negligently designed and/or constructed and sold
6 window blinds' cords for the subject home under the trade name of Graber..

7 4.2 Defendant Springs Windows violated the Washington State Product Liability Act,
8 RCW 7.72 et seq; including negligence, failure to warn, and strict liability.

9 4.3 Defendant Springs Window failed to follow up, recall, warn, or otherwise attempt
10 to render safe the window blinds' cords, even after decades of overwhelming information about
11 significant injuries to minor children who came into contact with such window blinds' cords.

12 4.4 Defendants Mike & Roberta Quiggle, individually, as a married couple and d/b/a
13 R& M Investors, Inc. installed or failed to remove said window blinds' cords from the home they
14 purchased, remodeled and sold to the Plaintiffs.

15 4.5 The negligence of Springs Window and Mike and Roberta Quiggle, individually,
16 as a married couple and d/b/a-R & M Investors, Inc., were the sole and proximate causes to
17 Mariah's injuries and the parents' loss of consortium.

18 4.6 Mariah Armstrong suffered permanent, severe brain damage, pain and suffering,
19 loss of enjoyment of life, disability and dysfunction, loss of future earnings, and incurred
20 medical bills past and future due to defendants' conduct.

21
22
23
24 COMPLAINT

- 4 -

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26 Matters\Armstrong, Mariah 11-13-
08\Pleadings\Complaint.doc

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TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 4.7 Mariah's parents, John and Kelly Armstrong, have suffered loss of consortium,
2 love and affection and companionship with their daughter.

3 5.0 PUNITIVE DAMAGES


4 5.1 Plaintiffs reserve the right to amend the Complaint to add a claim for Punitive
5 Damages under State of Washington "Conflict of Laws" analysis, from the defendant Springs
6 Window Fashions state of incorporation, South Carolina, if the egregious conduct of Springs
7 Window Fashions, as alleged herein, occurred in South Carolina. This reservation also applies if
8 this lawsuit is ever removed to Federal Court.
9

10 6.0 PRAYER FOR RELIEF

11 61 Wherefore, Plaintiffs pray for judgment against the Defendants in such sum as
12 will fairly compensate the Plaintiffs.
13

14 DATED this 10 day of Jan, 2011.
15

16
17 LAW OFFICES OF TERRY E. LUMSDEN

18
19 
20 Terry E. Lumsden, WSBA#5254
21 Attorney for Plaintiffs
22

23
24 COMPLAINT

25 - 5 -

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Matters\Armstrong, Mariah 11-13-
08\Pleadings\Complaint.doc

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TERRY E. LUMSDEN
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FAX (253) 573-1744

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MASON CO. WA

2011 APR -1 P 12:23

PAT SWARTOS, CO. CLERK
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

No. 11-2-00028-5

FIRST AMENDED SUMMONS

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife; and R & M
INVESTORS, INC., a Washington corporation,

Defendants.

THE STATE OF WASHINGTON
TO: DEFENDANTS ABOVE NAMED

A lawsuit has been started against you in the above-entitled court by the above-named plaintiffs, John and Kelly Armstrong individually as husband and wife and Guardians ad Litem for Mariah Armstrong, minor. Plaintiffs' claim is stated in the written complaint, a copy of which is served upon you with this summons.

FIRST AMENDED SUMMONS-1

\\Fileserver\shared\office folders\TEL Matters\Armstrong, Mariah 11-
13-08\Pleadings\1ST Amended Summons.doc

LAW OFFICES OF
TERRY E. LUMSDEN
3517 6TH AVENUE, SUITE 200
TACOMA, WA 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

COPY

1 In order to defend against this lawsuit, you must respond to the complaint by stating your
2 defense in writing, and serve a copy upon the undersigned attorney for the plaintiffs within 20
3 days after the service of this summons, excluding the day of service, or within 60 days after the
4 service of this summons if served outside of the State of Washington, or a default judgment may
be entered against you without notice. A default judgment is one where plaintiffs are entitled to
what they ask for because you have not responded. If you serve a notice of appearance on the
undersigned attorney, you are entitled to notice before a default judgment may be entered.

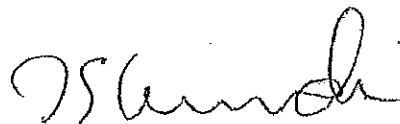
5
6 You may demand that the plaintiffs file this lawsuit with the court. If you do so, the
demand must be in writing and must be served upon the plaintiffs. Within 14 days after you
7 serve the demand, the plaintiffs must file this lawsuit with the court, or the service on you of this
summons and complaint will be void.

8
9 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
that your written response, if any, may be served on time.

10 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
11 of Washington.

12 DATED this 31 day of March, 2011.

13
14 LAW OFFICES OF TERRY E. LUMSDEN

15
16 

17 TERRY E. LUMSDEN WSBA 5254
18 Attorney for Plaintiffs
19
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25 FIRST AMENDED SUMMONS-2

26 \\Fileserver\\shared office folders\\TEL Matters\\Armstrong, Mariah 11-
13-08\\Pleadings\\1ST Amended Summons.doc

LAW OFFICES OF
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FAX (253) 573-1744

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PAT SWARTGS. CO. CLERK
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife and as
Guardians ad Litem for MARIAH
ARMSTRONG, minor

Plaintiffs,

vs.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all d/b/a GRABER; MIKE &
ROBERTA QUIGGLE, individually and as
husband and wife; and R & M
INVESTORS, INC., a Washington corporation,

Defendants.

NO. 11-2-00028-5

FIRST AMENDED COMPLAINT
FOR INJURIES
AND DAMAGES IN TORT

COMES NOW the Plaintiffs, JOHN AND KELLY ARMSTRONG, husband and wife
and the parents of the minor child, MARIAH ARMSTRONG, duly appointed Guardians ad

FIRST AMENDED COMPLAINT

- 1 -

LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

COPY

1 Litem to pursue the injury claims of their daughter referenced herein, by and through their
2 attorney of record, TERRY E. LUMSDEN, for a cause of action against named Defendants and
3 allege:
4

5
6 1.0 PARTIES

7 1.1 Plaintiffs John and Kelly Armstrong are husband and wife, parents and appointed
8 Guardians ad Litem of the minor child, Mariah Armstrong, whose birthday is December 16,
9 2005, and are residents of the State of Washington.

10 1.2 Defendants Springs Window Fashions Manufacturing Co. U.S.A., Inc.; Springs
11 Industries, Inc; and Springs Window Fashions, LLC (hereafter "Springs Window"), are foreign
12 corporations of the state of South Carolina, doing business as Graber.

13 1.3 Defendants Mike and Roberta Quiggle are individuals and are husband and wife,
14 and are also "local Defendants" within the meaning of Federal Removal and Diversity
15 Jurisdiction.
16

17 1.4 Defendant R & M Investors, Inc. (hereafter "R&M") was a Washington
18 corporation and is also a "local Defendant" within the meaning of Federal Removal and
19 Diversity Jurisdiction.
20

21 2.0 JURISDICTION

22 2.1 Plaintiffs at all times noted herein were residents of Mason County.
23

24 FIRST AMENDED COMPLAINT

25 - 2 -

26 LAW OFFICES OF
TERRY E. LUMSDEN
3517 SIXTH AVENUE, SUITE 200
TACOMA, WASHINGTON 98406
TELEPHONE (253) 537-4424
FAX (253) 573-1744

1 2.2 Springs Window are foreign corporations of the state of South Carolina.
2 2.2 Springs Window violated the State of Washington Long Arm Statute RCW
3 4.28.185, by doing business in Washington and committing a tort in Washington, thus the State
4 of Washington has jurisdiction over Springs Window, the non-resident defendant. Springs
5 Window is a corporation engaged in the business of manufacturing, distributing and/or
6 marketing, *inter alia* corded window covering products, including the window covering which is
7 the subject of this litigation. Springs Window regularly transacts business in the State of
8 Washington, maintains continuous and systematic business contacts with the State of
9 Washington, derives substantial revenue from goods used or consumed in the State of
10 Washington and it purposely directs business activities, including the sale of its window
11 coverings to Washington residents. This cause of action arises out of these contacts with the
12 State of Washington as the accident relates to the sale of window coverings manufactured,
13 distributed and/or marketed by Springs Windows that were sold in the State of Washington to a
14 resident of this state.
15

16
17 2.3 Defendants Mike and Roberta Quiggle are husband and wife and residents of
18 Mason County, Washington.

19 2.4 R & M was a duly licensed and authorized corporation in the state of Washington,
20 doing business in Mason County.

21 2.5 Mason County Superior Court is the proper forum for this claim.
22
23

24 FIRST AMENDED COMPLAINT

- 3 -

LAW OFFICES OF
TERRY E. LUMSDEN
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3.0 FACTS

3.1 Defendants Mike & Roberta Quiggle, individually, and as a married couple, and doing business as R & M Investors, Inc., purchased the home from a third party, remodeled the home and sold it on September 2, 2004 to Plaintiffs John and Kelly Armstrong.

3.2 On or about November 13, 2008, Mariah Armstrong was seriously and permanently injured after she became entangled in a cord of a corded window covering manufactured by Defendants Springs Window and was strangled, asphyxiated, and died. She was revived by her father but suffers severe and permanent brain damage.

3.3 Defendants Springs Window designed, fabricated, manufactured and sold the aforesaid corded window covering product in the course of Defendants' business, and at the time of doing so, knew the aforesaid product was in a defective condition, unreasonably dangerous when put to its reasonably anticipated use, and when used in a manner reasonably anticipated.

3.4 For many years, manufacturers of window coverings, etc., including Defendants Springs Window, have known of the dangerous nature of window blinds cords and the hazard they present to minor children.

3.5 Defendants Springs Window have never issued an adequate and/or proper recall of its product either to wholesalers, retailers or homeowners, nor adequately published in newspapers, magazines, internet or on television, appropriate information that their window blind cords should be removed or otherwise made safe from a child being able to put its head through the cords and choking.

1 3.6 Defendants Springs Window were asked by Plaintiffs to assist in the expenses of
2 medical treatment and therapy and needed for Mariah Armstrong. It declined.

3 3.7 As a direct and proximate result of the injuries caused by Defendants, each of
4 them, Plaintiff Mariah Armstrong has been caused to suffer and will continue to suffer into the
5 future significant medical damages for her care and treatment, loss of future earnings, pain and
6 suffering, and pursuant to a preliminary Life Care Plan, the cost of said care and treatment
7 exceeding \$7.5 million dollars.
8

9
10 4.0 CLAIMS – SPRINGS WINDOW-PRODUCTS LIABILITY

11 4.1 Defendants Springs Window designed, fabricated, manufactured and sold the
12 aforesaid corded window covering product in the course of Springs Window's business and at
13 the time of doing so, knew the aforesaid product was in a defective condition, unreasonably
14 dangerous when put to its reasonably anticipated use, and when used in the manner reasonably
15 anticipated.
16

17 4.2 The product was sold by Defendants Springs Window in a defective and an
18 unreasonably dangerous condition in one or more of the following respects:

- 19 a. Defendants' product was sold without mechanisms to prevent
20 strangulation;
21 b. Defendants' product contained cords capable of obtaining a length in
22 excess of 7 1/4 inches which posed an unreasonable risk of strangulation.
23 c. Defendants' product failed to contain proper warnings and/or failed to
24 provide adequate information regarding possible strangulation hazards

1 associated with the product.

2 d. Defendants' product failed to contain a lift cord system that would
3 eliminate cords and/or the risk of strangulation.

4 e. Defendants' product failed to comply with the 1996 and 2000 recall
5 programs in that product was not modified, retrofitted, recalled or
redesigned to avoid the risk of strangulation.

6 f. Defendants' product at the time of sale and/or installation failed to have
7 adequate safety devices to reduce access to and/or eliminate loops and
cord hazards.

8
9 4.3 The death, and resuscitation, of Mariah Armstrong occurred as a direct and
10 proximate result of one or more of the aforesaid defective conditions in which the existing
11 corded window covering product was sold by Springs Window.

12 4.4 As a result of the aforesaid product defects, Mariah Armstrong suffered
13 permanent and severe brain damage, past pain and suffering, future pain and suffering, loss of
14 enjoyment of life, disability and dysfunction, loss of future earnings, and has incurred past
15 medical bills and will incur medical bills into the future due to Defendants' conduct.

16 4.5 Mariah Armstrong's parents, John and Kelly Armstrong, have suffered loss of
17 consortium, love, affection and companionship with their daughter.
18

19
20 5.0 CLAIMS - SPRINGS WINDOW - NEGLIGENCE

21 5.1 Defendants Springs Window designed, fabricated, manufactured and sold the
22 aforesaid corded window covering product in the course of Defendants' business and at the time
23 of doing so, was negligent in that it knew or should have known that the aforesaid product was in

1 a defective condition and unreasonably dangerous when put to its reasonably anticipated use, and
2 when used in a manner reasonably anticipated.

3 5.2 Defendants Springs Window failed to use ordinary care in the design,
4 manufacture, testing, labeling, distributing, supplying, servicing and retailing of the blind and its
5 component parts so as to not injure or kill its users, including Mariah Armstrong, in one or more
6 of the following respects:

- 7
- 8 a. Defendants were negligent in allowing the aforesaid product to be sold
9 without mechanisms to prevent strangulation;
 - 10 b. Defendants were negligently allowed the product to contain cords capable
11 of obtaining a length in excess of 7 1/4 inches which pose an unreasonable
12 risk of strangulation.
 - 13 c. Defendants' product negligently failed to contain proper warnings and/or
14 failed to provide adequate information regarding the possible strangulation
15 hazards associated with the product.
 - 16 d. Defendants' product negligently failed to contain a lift cord system that
17 would eliminate cords and/or the risk of strangulation.
 - 18 e. Defendants negligently failed to take adequate measures to redesign their
19 product to avoid the risk of strangulation;
 - 20 f. Defendants negligently failed to modify, retrofit and/or adequately recall a
21 known defective product sold by them, having undertaking to do so.
 - 22 g. Defendants negligently failed to supply with the product at the time of sale
23 and/or installation adequate safety devices to reduce access to and/or
24 eliminate loops and cord hazards.
 - 25 h. Defendants' product was negligently manufactured and sold in a condition
26 such that it failed to perform safely as an ordinary consumer would expect
when the product was used in a reasonably foreseeable manner.

- 1
- 2 i.. Defendants were negligent in failing to retrofit the aforesaid window
- 3 covering pursuant to the 1994 and/or 2000 industry-wide recall and retrofit
- 4 j. Defendants knew or should have known of the unreasonable risk of
- 5 strangulation resulting in death or serious injury from the use of corded
- 6 window products, yet failed to make accommodations to eliminate cords
- 7 and/or the aforesaid danger.
- 8 k. Defendants failed to consult with purchasers at the time of purchase,
- 9 and/or by providing adequate safety information on the exterior
- 10 packaging, as to which product would be most suitable for the application
- 11 purchaser intended and failed to consult with Plaintiff regarding
- 12 alternative feasible products including cordless alternatives.

13 5.3 The injuries to Mariah Armstrong occurred as a direct and proximate result of one

14 or more of the aforesaid defective conditions which existed when the corded window covering

15 product was sold by Defendants Springs Window.

16 5.4 As a result of the aforesaid product defects, Mariah Armstrong suffered

17 permanent and severe brain damage, past pain and suffering, future pain and suffering, loss of

18 enjoyment of life, disability and dysfunction, loss of future earnings, and has incurred past

19 medical bills and will incur medical bills into the future due to Defendants' conduct.

20 6.0 CLAIMS - SPRINGS WINDOW - FAILURE TO WARN

21 6.1 Defendants Springs Window manufactured, sold, placed into the stream of

22 commerce and allowed to be installed into the home of Plaintiffs a defective window covering.

23 Said window covering was sold in the course and scope of Defendants Springs Window's

1 business.

2 6.2 The window covering was unreasonably dangerous when put to its reasonably
3 anticipated use without the knowledge of its characteristics.

4 6.3 The window covering failed to contain adequate warnings or instructions
5 concerning the safe methods for installation and use and/or adequate warnings of the danger of
6 strangulation as referenced herein; Defendants Springs Window further failed to warn as to the
7 most suitable product for the application.
8

9 6.4 At all pertinent times hereto, the window covering was used in the manner
10 reasonably anticipated by Defendants Springs Window.

11 6.5 As a direct and proximate result of Defendants Springs Window's failure, Mariah
12 Armstrong strangled on a corded window covering. As a result, Mariah Armstrong and her
13 parents, John and Kelly Armstrong, were damaged.
14

15
16 7.0 CLAIMS – QUIGGLE – NEGLIGENCE

17 7.1 At all relevant times hereto, the Quiggle Defendants were in the business of
18 purchasing property and renovating the said property for sale.

19 7.2 The Quiggle Defendants, as prior owners of the home in the business of rehabbing
20 properties had a duty to keep and maintain the premises in a reasonably safe condition.

21 7.3 The Quiggle Defendants had a duty to use reasonable care in looking for and
22 discovering dangerous conditions that they either knew or should have known as a result of
23

1 being in the remodeling business.

2 7.4 The Quiggle Defendants allowed corded window covering products, which they
3 knew or should have known were unsafe, to remain in the subject home, creating risk of injury to
4 persons residing in the home upon sale, including Mariah Armstrong.

5 7.5 The Quiggle Defendants sold the home to the Armstrongs and in doing so, knew
6 or should have known of the foreseeable and unsafe condition of the window covering product
7 and knew or should have known of the potential uses of corded window covering products.

8 7.6 The Quiggle Defendants were negligent in installing and/or maintaining or
9 allowing the window covering to remain in the property in or more of the following respects:
10

- 11 a. The Quiggle Defendants were negligent in the maintenance of the
12 blind, in that, Defendants negligently allowed to remain cords of
13 greater than 7 1/4 inches in length, in an unsecured fashion, creating an
14 unreasonable risk of danger of cord strangulation;
- 15 b. The Quiggle Defendants were negligent in failing to retrofit the
16 aforesaid blinds pursuant to the 1994 and/or 2000 industry-wide recall
17 and retrofit programs, about which they knew or should have known.
- 18 c. The Quiggle Defendants knew or should have known of the
19 unreasonable risk of strangulation resulting in death or serious injury
20 from the use of corded window products, yet failed to make
21 accommodations to eliminate the aforesaid danger.
- 22 d. The Quiggle Defendants were negligent in that they knew or should
23 have known that the retrofit kits and tie down devices were available
24 for installation, yet failed to obtain and install such retrofit kits of the
25 recalled window coverings for the home.
- 26 e. The Quiggle Defendants knew or should have known that the corded
window covering product in question was defective at the time of
installation, yet installed it and/or allowed it to remain despite such

known danger.

- f. Upon learning that the window covering in question was defective, the Quiggle Defendants failed to remove it from the apartment in question and/or modify the product to reduce the risks of strangulation.
- g. The Quiggle Defendants were negligent in renting an apartment which had dangerous and defective window coverings, on which the hang tag warnings had been removed.
- h. The Quiggle Defendants failed to use reasonable care in keeping and maintaining the premises in a reasonably safe condition.
- i. The Quiggle Defendants failed to make a reasonable investigation to discover dangerous conditions on the rental property, to wit, the window coverings that had been recalled in 1994 and 2000 for posing an unacceptable risk of strangulation to small children.
- j. The Quiggle Defendants failed to warn of the aforesaid known dangers and/or defective conditions.

7.7 The negligence of the Quiggle Defendants caused or contributed to cause the severe and permanent injuries sustained by Mariah Armstrong and her parents, John and Kelly Armstrong.

7.8 As a result of the aforesaid negligence, Mariah Armstrong suffered permanent and severe brain damage, past pain and suffering, future pain and suffering, loss of enjoyment of life, disability and dysfunction, loss of future earnings, and has incurred past medical bills and will incur medical bills into the future, and Mr. and Mrs. Armstrong suffered loss of consortium, due to Defendants' conduct.

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8.0 CLAIMS -R&M- NEGLIGENCE

8.1 At all relevant times hereto, R&M was in the business of purchasing property and renovating the said property for sale.

8.2 R&M, as a prior owner of the home in the business of rehabbing properties had a duty to keep and maintain the premises in a reasonably safe condition.

8.3 R&M had a duty to use reasonable care in looking for and discovering dangerous conditions that it either knew or should have known as a result of being in the remodeling business.

8.4 R&M allowed corded window covering products, which it knew or should have known were unsafe, to remain in the subject home, creating risk of injury to persons residing in the home upon sale, including Mariah Armstrong.

8.5 R&M sold the home to the Armstrongs and in doing so, knew or should have known of the foreseeable and unsafe condition of the window covering product and knew or should have known of the potential uses of corded window covering products.

8.6 R&M was negligent in installing and/or maintaining or allowing the window covering to remain in the property in or more of the following respects:

- a. R&M was negligent in the maintenance of the blind, in that, Defendant negligently allowed to remain cords of greater than 7 1/4 inches in length, in an unsecured fashion, creating an unreasonable risk of danger of cord strangulation;
- b. R&M was negligent in failing to retrofit the aforesaid blinds pursuant to the 1994 and/or 2000 industry-wide recall and retrofit programs, about which they knew or should have known.

- 1
- 2 c. R&M knew or should have known of the unreasonable risk of
- 3 strangulation resulting in death or serious injury from the use of
- 4 corded window products, yet failed to make accommodations to
- 5 eliminate the aforesaid danger.
- 6
- 7 d. R&M was negligent in that it knew or should have known that the
- 8 retrofit kits and tie down devices were available for installation, yet
- 9 failed to obtain and install such retrofit kits of the recalled window
- 10 coverings for the home.
- 11
- 12 e. R&M knew or should have known that the corded window covering
- 13 product in question was defective at the time of installation, yet
- 14 installed it and/or allowed it to remain despite such known danger.
- 15
- 16 f. Upon learning that the window covering in question was defective,
- 17 R&M failed to remove it from the apartment in question and/or modify
- 18 the product to reduce the risks of strangulation.
- 19
- 20 g. R&M was negligent in renting an apartment which had dangerous and
- 21 defective window coverings, on which the hang tag warnings had been
- 22 removed.
- 23
- 24 h. R&M failed to use reasonable care in keeping and maintaining the
- 25 premises in a reasonably safe condition.
- 26
- i. R&M failed to make a reasonable investigation to discover dangerous
- conditions on the rental property, to wit, the window coverings that
- had been recalled in 1994 and 2000 for posing an unacceptable risk of
- strangulation to small children.
- j. R&M failed to warn of the aforesaid known dangers and/or defective
- conditions.

8.7 The negligence of R&M caused or contributed to cause the severe and permanent injuries sustained by Mariah Armstrong and her parents, John and Kelly Armstrong.

8.8 As a result of the aforesaid negligence, Mariah Armstrong suffered permanent and

1 severe brain damage, past pain and suffering, future pain and suffering, loss of enjoyment of life,
2 disability and dysfunction, loss of future earnings, and has incurred past medical bills and will
3 incur medical bills into the future, and Mr. and Mrs. Armstrong suffered loss of consortium, due
4 to Defendants' conduct.
5

6
7 9.0 PRAYER FOR RELIEF

8 9.1 Wherefore, Plaintiffs pray for judgment against the Defendants in such sum as
9 will fairly compensate the Plaintiffs, together with costs herein expended and such further relief
10 as the Court deems just and proper.
11

12 DATED this 11 day of March, 2011.
13

14 LAW OFFICES OF TERRY E. LUMSDEN

15 
16

17 Terry E. Lumsden, WSBA#5254
18 Attorney for Plaintiffs
19
20
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23

ORIGINAL

REC'D & FILED
MASON CO. WA.

5 2011 MAY -21 P 4:40

PAT SWARTOS, JR. CLERK
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation, dba GRABER; MIKE
AND ROBERTA QUIGGLE, individually
and as husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

**ANSWER AND AFFIRMATIVE
DEFENSES OF SPRINGS
WINDOW FASHIONS
MANUFACTURING CO., USA,
INC.**

Defendant Springs Window Fashions Manufacturing Co., USA, Inc.,
("SWFMCUSA") responds to plaintiffs' complaint as follows:

RESPONDING TO PARAGRAPH 1.0, "PARTIES"

1.1 SWFMCUSA is without knowledge or information sufficient to form a
belief as to the truth of the matter asserted in this paragraph.

ANSWER AND AFFIRMATIVE DEFENSES OF
DEFENDANTS SPRINGS - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 Third Avenue, Suite 805
Seattle, WA 98104
Telephone: (206) 515-4800/ Fax: (206) 515-4848

1 1.2 SWFMCUSA denies all allegations contained in this paragraph.

2 1.3 SWFMCUSA is without knowledge or information sufficient to form a
3 belief as to the truth of the matter asserted in this paragraph.

4 1.4 SWFMCUSA is without knowledge or information sufficient to form a
5 belief as to the truth of the matter asserted in this paragraph.

6 RESPONDING TO PARAGRAPH 2.0, "JURISDICTION"

7 2.1 SWFMCUSA is without knowledge or information sufficient to form a
8 belief as to the truth of the matter asserted in this paragraph.

9 2.2 SWFMCUSA denies all allegations contained in this paragraph.

10 2.3 SWFMCUSA is without knowledge or information sufficient to form a
11 belief as to the truth of the matter asserted in this paragraph.

12 2.4 SWFMCUSA is without knowledge or information sufficient to form a
13 belief as to the truth of the matter asserted in this paragraph.

14 2.5 SWFMCUSA is without knowledge or information sufficient to form a
15 belief as to the truth of the matter asserted in this paragraph.

16 RESPONDING TO PARAGRAPH 3.0, "FACTS"

17 3.1 SWFMCUSA is without knowledge or information sufficient to form a
18 belief as to the truth of the matter asserted in this paragraph.

19 3.2 SWFMCUSA is without knowledge or information sufficient to form a
20 belief as to the truth of the matter asserted in this paragraph. SWFMCUSA denies it is
21 liable to plaintiffs in any manner or amount whatsoever.

22 3.3 SWFMCUSA denies the allegations contained in this paragraph.
23
24
25

1 3.4 SWFMCUSA admits it has participated in industry-related activities
2 regarding window blinds. SWFMCUSA denies all remaining allegations contained in
3 this paragraph.

4 3.5 SWFMCUSA denies the allegations contained in this paragraph.

5 3.6 SWFMCUSA is without knowledge or information sufficient to form a
6 belief as to the truth of the matter asserted in this paragraph.

7 3.7 SWFMCUSA is without knowledge or information sufficient to form a
8 belief as to the truth of the matter asserted in this paragraph. SWFMCUSA denies it is
9 liable to plaintiffs in any manner or amount whatsoever.

10 RESPONDING TO PARAGRAPH 4.0, "CLAIMS"

11 4.1 SWFMCUSA admits it designs in part, manufactures in part, and sells
12 products under the name "Graber." SWFMCUSA denies all remaining allegations
13 contained in this paragraph.

14 4.2 SWFMCUSA denies all allegations contained in this paragraph.

15 4.3 SWFMCUSA denies all allegations contained in this paragraph.

16 4.4 SWFMCUSA is without knowledge or information sufficient to form a
17 belief as to the truth of the matter asserted in this paragraph.

18 4.5 As to this defendant, SWFMCUSA denies all allegations contained in this
19 paragraph.

20 4.6 As to this defendant, SWFMCUSA denies all allegations contained in this
21 paragraph.

22 4.7 SWFMCUSA is without knowledge or information sufficient to form a
23 belief as to the truth of the matter asserted in this paragraph. SWFMCUSA denies it is
24 liable to plaintiffs in any manner or amount whatsoever.
25

1 RESPONDING TO PARAGRAPH 5.0, "PUNITIVE DAMAGES"

2 5.1 This paragraph states a legal conclusion to which no response is required.
3 To the extent a response is required, the allegations are denied.

4 RESPONDING TO PARAGRAPH 6.0, "PRAYER FOR RELIEF"

5 6.1 As to this defendant, SWFMCUSA denies it is liable to plaintiffs in any
6 manner or amount whatsoever.

7 AFFIRMATIVE DEFENSES

8 1. Plaintiff Mariah Armstrong's injuries or damages may have been caused
9 or contributed to by the negligence or willful and wanton acts of John and Kelly
10 Armstrong.

11 2. Plaintiffs may have failed to mitigate their damages and protect
12 themselves from avoidable consequences.

13 3. Plaintiffs' claims are barred by the doctrine of comparative fault and/or
14 assumption or risk, failure to follow instruction and/or warnings, and/or the doctrine of
15 misuse.

16 4. SWFMCUSA pleads all defenses under RCW 7.72.010 through RCW
17 7.72.070 et seq. as though fully set forth herein, inclusive of any and all defenses under
18 RCW 62A.

19 5. Plaintiffs' claims are barred because of spoliation of evidence, and/or
20 destroying and/or tampering with evidence.

21 6. Plaintiff Mariah Armstrong's injuries or damages may have been caused
22 or contributed to by the failure of John and Kelly Armstrong to take reasonable care.

23 7. Plaintiffs' injuries and damages were caused by the negligence of entities
24 over whom SWFMCUSA had no control and for whose actions it was not responsible,
25

1 including but not limited to co defendants, as well as other unnamed at fault parties.

2 8. Plaintiffs' claims are barred by the applicable statute of limitations.

3 9. SWFMCUSA reserves the right to amend this Answer to add affirmative
4 defenses as discovery continues.

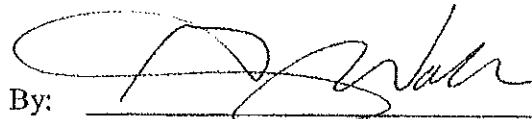
5 WHEREFORE, having answered the Complaint and interposed Affirmative
6 Defenses, SWFMCUSA prays for relief as follows:

7 1. For judgment in its favor; and

8 2. For such other and further relief as the Court deems just and equitable.

9
10 DATED this 29th day of April 2011

11
12 LAW OFFICE OF WILLIAM J. O'BRIEN

13
14 By: 

15 Gregory G. Wallace, WSBA #29029
16 Attorneys for Defendants Springs Window
17 Fashions Mfg. Co. USA, Inc.
18
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ORIGINAL

REC'D & FILED
MASON CO. WA.

2/ 2011 MAY -2 4:40

PAT SWARTZ, CO. CLERK

BY  DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

CERTIFICATE OF SERVICE

The undersigned declares as follows:

I am over the age of 18 years, not a party to this action, and competent to be a
witness herein.

CERTIFICATE OF SERVICE - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 THIRD AVENUE, SUITE 805
SEATTLE, WA 98104
TELEPHONE (206) 515-4800/FACSIMILE (206) 515-4848

On the 29 day of April, 2011, I caused to be delivered a true and correct copy of:

1. *Answer and Affirmative Defenses of Springs Window Fashions Manufacturing Co., USA, Inc.; and*

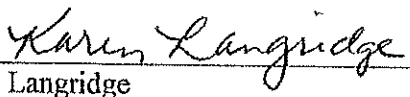
2. *Certificate of Service*

to the following counsel of record:

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
COUNSEL FOR PLAINTIFF:	
Terry E. Lumsden	<input type="checkbox"/> Via U.S. Mail
Attorney at Law	<input checked="" type="checkbox"/> Via ABC
3517 Sixth Ave., Suite 200	<input type="checkbox"/> Via Facsimile
Tacoma, WA 98406	<input type="checkbox"/> Via Overnight Mail
CO-COUNSEL FOR DEFENDANT SPRINGS:	
Jameson B. Carroll	<input checked="" type="checkbox"/> Via U.S. Mail
JBC Law Group, LLC	<input type="checkbox"/> Via ABC
2221 Peachtree Rd., Suite D-322	<input type="checkbox"/> Via Facsimile
Atlanta, GA 30309-1148	<input type="checkbox"/> Via Overnight Mail

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 29 day of April, 2011.


Karen Langridge

CERTIFICATE OF SERVICE - 2

LAW OFFICE OF WILLIAM J. O'BRIEN
999 THIRD AVENUE, SUITE 805
SEATTLE, WA 98104
TELEPHONE (206) 515-4800/FACSIMILE (206) 515-4848

ORIGINAL

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MASON CO. WA

✓ MAY 10 A 11:47

PAT SHERIDAN, CLERK
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

**DEMAND FOR TWELVE (12)
PERSON JURY**

Clerk's Action Required

TO: THE CLERK OF THE COURT; and

TO: ALL PARTIES AND COUNSEL OF RECORD:

DEMAND FOR JURY - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 Third Avenue, Suite 805
Seattle, WA 98104
Telephone: (206) 515-4800/ Fax: (206) 515-4848

1 PLEASE TAKE NOTICE that the attorneys for the defendant herein hereby request
2 a jury of twelve (12) persons for trial in the above-entitled matter. The proper fee for this
3 demand, the sum of \$250.00, is herewith attached.

4
5 DATED this 6th day of May, 2011.

6 LAW OFFICE OF WILLIAM J. O'BRIEN

7
8 By: 

9 Gregory G. Wallace, WSBA #29029
10 Attorneys for Defendants Springs Window
11 Fashions Mfg. Co. USA, Inc.
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MASON CO. WA

2011 MAY 10 AM 11:47

FAT SWANSON, S.D. CLERK
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

CERTIFICATE OF SERVICE

The undersigned declares as follows:

I am over the age of 18 years, not a party to this action, and competent to be a
witness herein.

CERTIFICATE OF SERVICE - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 THIRD AVENUE, SUITE 805
SEATTLE, WA 98104
TELEPHONE (206) 515-4800/FACSIMILE (206) 515-4848

1 On the 6th day of May, 2011, I caused to be delivered a true and correct copy of:

2 1. Demand for Twelve (12) Person Jury; and

3 2. Certificate of Service

4 to the following counsel of record:

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
COUNSEL FOR PLAINTIFF:	<input type="checkbox"/>
Terry E. Lumsden	<input checked="" type="checkbox"/>
Attorney at Law	<input type="checkbox"/>
3517 Sixth Ave., Suite 200	<input type="checkbox"/>
Tacoma, WA 98406	<input type="checkbox"/>
CO-COUNSEL FOR DEFENDANT SPRINGS:	<input checked="" type="checkbox"/>
Jameson B. Carroll	<input type="checkbox"/>
JBC Law Group, LLC	<input type="checkbox"/>
2221 Peachtree Rd., Suite D-322	<input type="checkbox"/>
Atlanta, GA 30309-1148	<input type="checkbox"/>

13
14 I declare under penalty of perjury under the laws of the State of Washington that
15 the foregoing is true and correct.

16 DATED this 6th day of May, 2011.

17
18
19 
20 Karen Langridge

REC'D & FILED
MASON CO. WA

MAY 16 P 3:21

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

PAT SWARTZ, CO. CLERK
BY _____ DEPUTY

JOHN AND KELLY ARMSTRONG.
Individually, as husband and wife and as
Guardians as litem for MARIAH
ARMSTRONG, minor

Plaintiff,

and

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC. a
foreign corporation, dba GRABER; MIKE
& ROBERTA QUIGGLE, individually and
as husband and wife, and dba R&M
INVESTORS, INC. a Washington
Corporation.

Defendant.

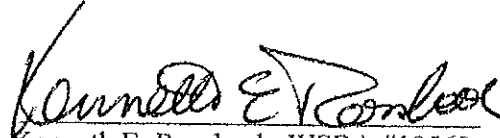
NO. 11-2-00028-5

NOTICE OF APPEARANCE

TO: ALL PARTIES HEREIN.

YOU AND EACH OF YOU are hereby notified that MIKE AND ROBERTA QUIGGLE,
defendant herein, hereby enters his appearance in the above-shown cause by and through his
attorney, KENNETH E. ROSSBACK, and requests that all further pleadings and papers, except
original process be served upon said defendant by delivering a copy thereof to his undersigned
attorney at the address below stated.

Dated: 5-4-11


Kenneth E. Rossback, WSBA #19560
Attorney for the Defendant

Notice of appearance - 1

ORIGINAL

KENNETH E. ROSSBACK
3219-6th Avenue
Tacoma, WA 98406
Phone: 253-573-1300
Fax: 253-752-6900

REC'D & FILED
MASON CO. WA.

2011 JUN -6 A 11:21 10-1

PAT SWARTOS, CO. CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

FILED
IN COUNTY CLERK'S OFFICE
A.M. MAY 20 2011 P.M.
PIERCE COUNTY WASHINGTON
KEVIN STOCK, County Clerk
DEPUTY

JOHN AND KELLY ARMSTRONG.
Individually, as husband and wife and as
Guardians as litem for MARIAH
ARMSTRONG, minor

Plaintiff,

and

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC. a
foreign corporation, dba GRABER: MIKE
& ROBERTA QUIGGLE, individually and
as husband and wife, and dba R&M
INVESTORS, INC. a Washington
Corporation.

Defendant.

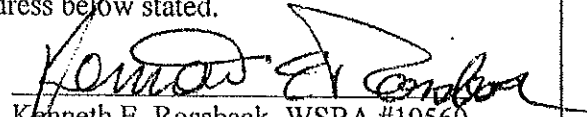
NO. 11-2-00028-5

NOTICE OF APPEARANCE

TO: ALL PARTIES HEREIN.

YOU AND EACH OF YOU are hereby notified that MIKE AND ROBERTA QUIGGLE
dba R&M INVESTORS, INC., defendants herein, hereby enters his appearance in the above-
shown cause by and through his attorney, KENNETH E. ROSSBACK, and requests that all
further pleadings and papers, except original process be served upon said defendant by delivering
a copy thereof to his undersigned attorney at the address below stated.

Dated: 5-24-11


Kenneth E. Rossback, WSBA #19560
Attorney for the Defendant

Notice of appearance - 1

ORIGINAL

KENNETH E. ROSSBACK
3219-6th Avenue
Tacoma, WA 98406
Phone: 253-573-1300
Fax: 253-752-6900

18

REC'D & FILED
MASON CO. WA

JUN 28 10 26

PAT SWARTZ, CO. CLERK
BY [Signature] DEPUTY

SUPERIOR COURT OF WASHINGTON
FOR COUNTY OF MASON

JOHN & KELLY ARMSTRONG,

Plaintiff,

vs.

SPRINGS WINDOW FASHIONS MANUFACTURING CO.,)
dba GRABER, MIKE & ROBERTA QUIGGLE, dba)
R&M INVESTORS, INC.,)

Defendants.)

No. 11-2-00028-5

NOTICE SETTING STATUS
CONFERENCE

[Calendared By: RO]

[NTSC]

Pursuant to Mason County Local Superior Court Civil Rule LCR 40 (copies will be provided upon request) you are notified that a status conference is set for 8:45 a.m. on Thursday, July 28th, 2011, in Mason County Superior Court. This status conference may be held by a telephone conference call as follows:

CONFERENCE CALLS ARE NOT INITIATED BY THE COURT. THE PARTIES ARE RESPONSIBLE FOR SETTING UP THE CONFERENCE CALL WITH ALL PARTIES WISHING TO PARTICIPATE IN THE CONFERENCE CALL ON THE LINE PRIOR TO PLACING THE CALL TO (360) 427-8440.

Dated: June 28th, 2011.

Rachelle Osman
Calendar Assistant

I certify under penalty of perjury under the laws of the State of Washington that I mailed a conformed copy of this document, postage prepaid, on 6/28, 2011, to the following:
[Signed By Rachelle Osman on 6/28, 2011 at Shelton, WA]

ATTORNEY FOR PLAINTIFFS:
Terry Lumsden
3517 Sixth Ave. Ste. 200
Tacoma, WA 98406

ATTORNEY FOR DEFENDANTS,
Springs Window;
Gregory Wallace
999 Third Ave. .
Suite 805
Seattle, WA 98104

ATTORNEY FOR DEFENDANTS
Quiggles:
Kenneth E. Rossback
3219 - 6th Ave.
Tacoma, WA 98406

NOTICE SETTING STATUS CONFERENCE

NTSC

ORIGINAL

REC'D & FILED
MASON CO. WA.

2011 JUL -6 A 11:11

PAT SWARTOS, CO. CLERK
BY 10-7 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

**ANSWER AND AFFIRMATIVE
DEFENSES OF SPRINGS
WINDOW FASHIONS
MANUFACTURING CO., USA,
INC. TO FIRST AMENDED
COMPLAINT**

Defendant Springs Window Fashions Manufacturing Co., USA, Inc.,
("SWFMCUSA") responds to plaintiffs' first amended complaint as follows:

ANSWER AND AFFIRMATIVE DEFENSES OF
DEFENDANTS SPRINGS TO PLAINTIFFS' FIRST
AMENDED COMPLAINT - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 Third Avenue, Suite 805
Seattle, WA 98104
Telephone: (206) 515-4800/ Fax: (206) 515-4848

20

1 RESPONDING TO PARAGRAPH 1.0, "PARTIES"

2 1.1 SWFMCUSA is without knowledge or information sufficient to form a
3 belief as to the truth of the matter asserted in this paragraph.

4 1.2 SWFMCUSA denies all allegations contained in this paragraph.

5 1.3 SWFMCUSA is without knowledge or information sufficient to form a
6 belief as to the truth of the matter asserted in this paragraph.

7 1.4 SWFMCUSA is without knowledge or information sufficient to form a
8 belief as to the truth of the matter asserted in this paragraph.

9 RESPONDING TO PARAGRAPH 2.0, "JURISDICTION"

10 2.1 SWFMCUSA is without knowledge or information sufficient to form a
11 belief as to the truth of the matter asserted in this paragraph.

12 2.2 SWFMCUSA denies all allegations contained in this paragraph.

13 2.2 (sic) SWFMCUSA denies all allegations contained in this paragraph.

14 2.3 SWFMCUSA is without knowledge or information sufficient to form a
15 belief as to the truth of the matter asserted in this paragraph.

16 2.4 SWFMCUSA is without knowledge or information sufficient to form a
17 belief as to the truth of the matter asserted in this paragraph.

18 2.5 SWFMCUSA is without knowledge or information sufficient to form a
19 belief as to the truth of the matter asserted in this paragraph.

20 RESPONDING TO PARAGRAPH 3.0, "FACTS"

21 3.1 SWFMCUSA is without knowledge or information sufficient to form a
22 belief as to the truth of the matter asserted in this paragraph.
23
24
25

3.2 SWFMCUSA is without knowledge or information sufficient to form a belief as to the truth of the matter asserted in this paragraph. SWFMCUSA denies it is liable to plaintiffs in any manner or amount whatsoever.

3.3 SWFMCUSA denies the allegations contained in this paragraph.

3.4 SWFMCUSA denies the allegations contained in this paragraph.

3.5 SWFMCUSA denies the allegations contained in this paragraph.

3.6 SWFMCUSA is without knowledge or information sufficient to form a belief as to the truth of the matter asserted in this paragraph.

3.7 SWFMCUSA denies the allegations contained in this paragraph.

RESPONDING TO PARAGRAPH 4.0, "CLAIMS – SPRINGS WINDOW –
PRODUCTS LIABILITY"

4.1 SWFMCUSA admits it designs in part, manufactures in part, and sells the aforesaid corded window covering product. SWFMCUSA denies all remaining allegations contained in this paragraph.

4.2 SWFMCUSA denies all allegations contained in this paragraph.

4.3 As to this defendant, SWFMCUSA denies all allegations contained in this paragraph.

4.4 As to this defendant, SWFMCUSA denies all allegations contained in this paragraph.

4.5 SWFMCUSA is without knowledge or information sufficient to form a belief as to the truth of the matter asserted in this paragraph. SWFMCUSA denies it is liable to plaintiffs in any manner or amount whatsoever.

1 7.2 SWFMCUSA cannot respond for other Defendants. To the extent a
2 response is required, the allegations are denied.

3 7.3 SWFMCUSA cannot respond for other Defendants. To the extent a
4 response is required, the allegations are denied.

5 7.4 SWFMCUSA cannot respond for other Defendants. To the extent a
6 response is required, the allegations are denied.

7 7.5 SWFMCUSA cannot respond for other Defendants. To the extent a
8 response is required, the allegations are denied.

9 7.6 SWFMCUSA cannot respond for other Defendants. To the extent a
10 response is required, the allegations are denied.

11 7.7 SWFMCUSA cannot respond for other Defendants. To the extent a
12 response is required, the allegations are denied.

13 7.8 SWFMCUSA cannot respond for other Defendants. To the extent a
14 response is required, the allegations are denied.

15 RESPONDING TO PARAGRAPH 7.0, "CLAIMS -R&M - NEGLIGENCE"

16 8.1 SWFMCUSA cannot respond for other Defendants. To the extent a
17 response is required, the allegations are denied.

18 8.2 SWFMCUSA cannot respond for other Defendants. To the extent a
19 response is required, the allegations are denied.

20 8.3 SWFMCUSA cannot respond for other Defendants. To the extent a
21 response is required, the allegations are denied.

22 8.4 SWFMCUSA cannot respond for other Defendants. To the extent a
23 response is required, the allegations are denied.
24
25

1 8.5 SWFMCUSA cannot respond for other Defendants. To the extent a
2 response is required, the allegations are denied.

3 8.6 SWFMCUSA cannot respond for other Defendants. To the extent a
4 response is required, the allegations are denied.

5 8.7 SWFMCUSA cannot respond for other Defendants. To the extent a
6 response is required, the allegations are denied.

7 8.8 SWFMCUSA cannot respond for other Defendants. To the extent a
8 response is required, the allegations are denied.

9 RESPONDING TO PARAGRAPH 9.0, "PRAYER FOR RELIEF"

10 9.0 As to this defendant, SWFMCUSA denies it is liable to plaintiffs in any
11 manner or amount whatsoever

12 AFFIRMATIVE DEFENSES

13 1. Plaintiff Mariah Armstrong's injuries or damages may have been caused
14 or contributed to by the negligence or willful and wanton acts of John and Kelly
15 Armstrong.

16 2. Plaintiffs may have failed to mitigate their damages and protect
17 themselves from avoidable consequences.

18 3. Plaintiffs' claims are barred by the doctrine of comparative fault and/or
19 assumption or risk, failure to follow instruction and/or warnings, and/or the doctrine of
20 misuse.
21

22 4. SWFMCUSA pleads all defenses under RCW 7.72.010 through RCW
23 7.72.070 et seq. as though fully set forth herein, inclusive of any and all defenses under
24 RCW 62A.

25 5. Plaintiffs' claims are barred because of spoliation of evidence, and/or

1 destroying and/or tampering with evidence.

2 6. Plaintiff Mariah Armstrong's injuries or damages may have been caused
3 or contributed to by the failure of John and Kelly Armstrong to take reasonable care.

4 7. Plaintiffs' injuries and damages were caused by the negligence of entities
5 over whom SWFMCUSA had no control and for whose actions it was not responsible,
6 including but not limited to co defendants, as well as other unnamed at fault parties.

7 8. Plaintiffs' claims are barred by the applicable statute of limitations.

8 9. SWFMCUSA reserves the right to amend this Answer to add affirmative
9 defenses as discovery continues.

10 WHEREFORE, having answered the Complaint and interposed Affirmative
11 Defenses, SWFMCUSA prays for relief as follows:

12 1. For judgment in its favor; and

13 2. For such other and further relief as the Court deems just and equitable.
14

15 DATED this 1st day of July 2011
16

17 LAW OFFICE OF WILLIAM J. O'BRIEN

18
19 By: 

20 Gregory G. Wallace, WSBA #29029
21 Attorneys for Defendants Springs Window
22 Fashions Mfg. Co. USA, Inc.
23
24
25

ORIGINAL

REC'D & FILED
MASON CO. WA.

2011 JUL -6 A 11:11

PAT SWARTOS, CO. CLERK
BY TD-2 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

CERTIFICATE OF SERVICE

The undersigned declares as follows:

I am over the age of 18 years, not a party to this action, and competent to be a
witness herein.

CERTIFICATE OF SERVICE - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 THIRD AVENUE, SUITE 805
SEATTLE, WA 98104
TELEPHONE (206) 515-4800/FACSIMILE (206) 515-4848

21

On the 1st day of July, 2011, I caused to be delivered a true and correct copy of:

1. *Answer and Affirmative Defenses of Springs Window Fashions Manufacturing Co., USA, Inc. to First Amended Complaint; and*

2. *Certificate of Service*

to the following counsel of record:

PARTY/COUNSEL	DELIVERY INSTRUCTIONS
COUNSEL FOR PLAINTIFF: Terry E. Lumsden Attorney at Law 3517 Sixth Ave., Suite 200 Tacoma, WA 98406	<input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via ABC <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Overnight Mail
CO-COUNSEL FOR DEFENDANT SPRINGS: Jameson B. Carroll JBC Law Group, LLC 2221 Peachtree Rd., Suite D-322 Atlanta, GA 30309-1148	<input checked="" type="checkbox"/> Via U.S. Mail <input type="checkbox"/> Via ABC <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Overnight Mail
COUNSEL FOR DEFENDANT QUIGGLE: Kenneth E. Rossback Law Office of Kenneth Rossback 3219 Sixth Avenue Tacoma, WA 98406	<input type="checkbox"/> Via U.S. Mail <input checked="" type="checkbox"/> Via ABC <input type="checkbox"/> Via Facsimile (253) 752-6900 <input type="checkbox"/> Via Overnight Mail

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 1st day of July, 2011.


Karen Langridge

ORIGINAL

REC'D & FILED
MASON CO. WA.

6 2011 JUL 14 A 10:45

PAT SWARTOS, CLERK
BY _____ DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

**MOTION FOR LIMITED
ADMISSION PURSUANT TO
APR 8(b) (PRO HAC VICE)**

22

I. RELIEF REQUESTED

Gregory G. Wallace (the "Moving Party") moves the Court for the limited
admission of Jameson B. Carroll (the "Applicant") for the purpose of appearing as a

MOTION FOR LIMITED ADMISSION PURSUANT TO
APR 8(b) (PRO HAC VICE) - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 Third Avenue, Suite 805
Seattle, WA 98104
Telephone: (206) 515-4800/ Fax: (206) 515-4848

1 lawyer for Defendants Springs Window Fashions Manufacturing Co., USA, Inc., Springs
2 Industries, Inc. and Springs Window Fashions, LLC, all dba Graber in this proceeding.

3 **Identity of Moving Party (Washington State Bar Association Member):**

4 Name: Gregory G. Wallace WSBA No. 29029

5 Address: Law Office of William J. O'Brien, 999 Third Avenue, Suite 805
6 Seattle, Washington 98104

7 Telephone: 206-515-4800 Email: Gregory.wallace@zurichna.com

8 **Identity of Applicant for Limited Admission:**

9 Name: Jameson B. Carroll Bar No. 112640

10 Jurisdiction of Primary Practice: Georgia

11 Address: Carroll & Weiss LLP, 1819 Peachtree Rd. Ste. 104
12 Atlanta, Georgia 30309

13 Telephone: 404-514-5061 Email: jameson.b.carroll@gmail.com

14 **II. STATEMENT OF THE FACTS**

15 It is respectfully submitted that Applicant should be permitted to appear and
16 participate in this proceeding because Applicant is already handling a similar lawsuit and
17 is knowledgeable about the facts and the legal matters at issue.

18 **III. STATEMENT OF THE ISSUE**

19 Should the Applicant be granted limited admission to the practice of law pursuant
20 to APR 8(b) for the purpose of appearing as a lawyer in this proceeding?

21 **IV. EVIDENCE RELIED UPON**

22 This motion is based on the accompanying certifications of the Moving Party and
23 the Applicant for Limited Admission.
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V. LEGAL AUTHORITY

This motion is made pursuant to Rule 8(b) of the Admission to Practice Rules (APR).

VI. PROPOSED ORDER

A proposed order granting the relief requested will be provided to the Judge/Court Commissioner.

DATED this 12th day of July, 2011.

LAW OFFICE OF WILLIAM J. O'BRIEN

By: 

Gregory G. Wallace, WSBA #29029
Attorneys for Defendants Springs Window
Fashions Mfg. Co. USA, Inc., Springs
Industries, Inc., and Springs Window
Fashions, LLC, all dba Graber

1 **CERTIFICATION OF MOVING PARTY/WSBA MEMBER**

2 I, Gregory G. Wallace, hereby certify under penalty of perjury under the laws of
3 the State of Washington that:

4 1. I am an active member in good standing of the Washington State Bar
5 Association.

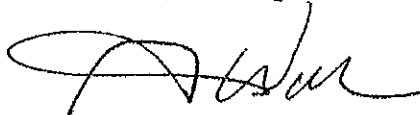
6 2. I will be the lawyer of record in this proceeding, responsible for the conduct of
7 the Applicant, and present at proceedings in this matter unless excused by the Court.

8 3. I have submitted a copy of this motion together with the required fee of
9 \$250.00 to the Washington State Bar Association, 1325 Fourth Avenue, Suite 600,
10 Seattle, WA 98101-2539.

11 4. I have complied with all the requirements of APR 8(b).

12 5. I have read the foregoing motion and certification and the statements contained
13 in it are full, true and correct.

14 Signed on July 12th, 2011 at Seattle, Washington.

15
16 

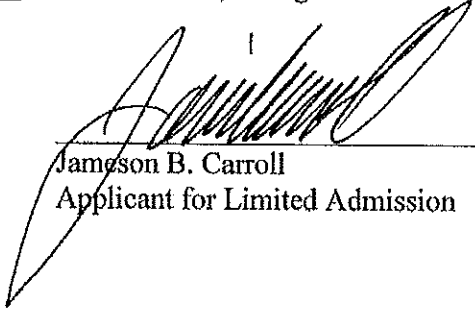
17 Gregory G. Wallace, WSBA #29029
18 Moving Party

1
2 **CERTIFICATION OF APPLICANT FOR LIMITED ADMISSION**

3 I, Jameson B. Carroll, hereby certify under penalty of perjury under the laws of the
4 State of Washington that:

- 5 1. I am a member in good standing of the bar of the State of Georgia.
6 2. I am a resident of Georgia and maintain a law practice in that state.
7 3. I have read the Rules of Professional Conduct adopted by the Supreme Court of
8 the State of Washington and agree to abide by them.
9 4. I have complied with all the requirements of APR 8(b).
10 5. I have read the foregoing motion and certification and the statements contained
11 in it are full, true and correct.
12

13 Signed on July 8th, 2011 at Atlanta, Georgia.

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18 Jameson B. Carroll
19 Applicant for Limited Admission
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CERTIFICATE OF SERVICE

I, Karen Langridge, certify that at all times mentioned herein, I was and now am a citizen of the United States of America and a resident of the State of Washington, over the age of eighteen years, not a party to the proceeding or interested therein, and competent to be a witness therein. My business address is: Law Office of William J. O'Brien, 999 Third Avenue, Suite 805, Seattle, WA 98104.

On July 13, 2011, 2011, I caused a true and correct copy of the foregoing document to be served on the following individuals as indicated below:

Terry E. Lumsden
Law Offices of Terry E. Lumsden
3517 Sixth Avenue, Suite 200
Tacoma, WA 98406
Via ABC Legal Messenger

Kenneth E. Rossback
Attorney at Law
3219 Sixth Avenue
Tacoma, WA 98406
Via ABC Legal Messenger

DATED this 13th day of July, 2011 at Seattle, Washington.

Karen Langridge
Karen Langridge, Legal Secretary

ORIGINAL

REC'D & FILED
MASON CO. WA

2011 JUL 19 A 11:12

PAT SYLVESTER, CLERK
BY 10-2 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

NOTICE OF UNAVAILABILITY OF
COUNSEL FOR DEFENDANTS
SPRINGS WINDOW FASHIONS

Clerk's Action Required

TO: THE CLERK OF THE COURT; and

TO: ALL PARTIES AND COUNSEL OF RECORD:

NOTICE OF UNAVAILABILITY - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 Third Avenue, Suite 805
Seattle, WA 98104
Telephone: (206) 515-4800/ Fax: (206) 515-4848

23

1 PLEASE TAKE NOTICE THAT counsel for defendants SPRINGS WINDOW
2 FASHIONS MANUFACTURING CO., USA, INC., SPRINGS INDUSTRIES, INC.; and
3 SPRINGS WINDOW FASHIONS, LLC, a foreign corporation, all dba GRABER, Gregory
4 G. Wallace, will be out of the office beginning Thursday, September 8, 2011 through
5 Wednesday, September 21, 2011, and during said time frame he will not be available for
6 hearings, motions or other court appearances and will not be available to actively respond
7 to any proposed depositions or motions filed during this time frame.
8

9 DATED this 14th day of July, 2011.

10 LAW OFFICE OF WILLIAM J. O'BRIEN
11

12 By: 
13

14 Gregory G. Wallace, WSBA #29029
15 Attorneys for Defendants Springs Window
16 Fashions Mfg. Co. USA, Inc., Springs
17 Industries, Inc., and Springs Window
18 Fashions, LLC, all dba Graber
19
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ORIGINAL

REC'D & FILED
MASON CO. WA

2011 JUL 19 A 11:12

PAT SWANSON, CLERK
BY TO-2 DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

JOHN AND KELLY ARMSTRONG,
individually, as husband and wife, and as
Guardians ad Litem for MARIAH
ARMSTRONG, a minor,

Plaintiffs,

v.

SPRINGS WINDOW FASHIONS
MANUFACTURING CO., USA, INC., a
foreign corporation; SPRINGS INDUSTRIES,
INC., a foreign corporation; and SPRINGS
WINDOW FASHIONS, LLC, a foreign
corporation, all dba GRABER; MIKE AND
ROBERTA QUIGGLE, individually and as
husband and wife, and dba R & M
INVESTORS, INC., a Washington
corporation,

Defendants.

NO. 11-2-00028-5

CERTIFICATE OF SERVICE

The undersigned declares as follows:

I am over the age of 18 years, not a party to this action, and competent to be a
witness herein.

CERTIFICATE OF SERVICE - 1

LAW OFFICE OF WILLIAM J. O'BRIEN
999 THIRD AVENUE, SUITE 805
SEATTLE, WA 98104
TELEPHONE (206) 515-4800/FACSIMILE (206) 515-4848

1 On the 14th day of July, 2011, I caused to be delivered a true and correct copy of:

2 1. Notice of Unavailability of Counsel for Defendants Springs Window
3 Fashions; and

4 2. Certificate of Service

5 to the following counsel of record:

7 PARTY/COUNSEL	DELIVERY INSTRUCTIONS
8 COUNSEL FOR PLAINTIFF:	<input type="checkbox"/> Via U.S. Mail
9 Terry E. Lumsden	<input checked="" type="checkbox"/> Via ABC
10 Attorney at Law	<input type="checkbox"/> Via Facsimile
11 3517 Sixth Ave., Suite 200	<input type="checkbox"/> Via Overnight Mail
12 Tacoma, WA 98406	
13 CO-COUNSEL FOR DEFENDANT SPRINGS:	<input checked="" type="checkbox"/> Via U.S. Mail
14 Jameson B. Carroll	<input type="checkbox"/> Via ABC
15 JBC Law Group, LLC	<input type="checkbox"/> Via Facsimile
16 2221 Peachtree Rd., Suite D-322	<input type="checkbox"/> Via Overnight Mail
17 Atlanta, GA 30309-1148	
18 COUNSEL FOR DEFENDANT QUIGGLE:	<input type="checkbox"/> Via U.S. Mail
19 Kenneth E. Rossback	<input checked="" type="checkbox"/> Via ABC
20 Law Office of Kenneth Rossback	<input type="checkbox"/> Via Facsimile (253) 752-6900
21 3219 Sixth Avenue	<input type="checkbox"/> Via Overnight Mail
22 Tacoma, WA 98406	

23 I declare under penalty of perjury under the laws of the State of Washington that
24 the foregoing is true and correct.

25 DATED this 14 day of July, 2011.

Karen Langridge
Karen Langridge

REC'D & FILED
MASON CO. WA

2011 JUL 21 P 1:58

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF MASON

PAT SWARTZ, CO. CLERK
BY TOA DEPUTY

JOHN AND KELLY ARMSTRONG,
Individually, as husband and wife and as
Guardians as litem for MARIAH
ARMSTRONG, minor

Plaintiff,

and

SPRINGS WINDOW FASHIONS
MANUFACTURING CO. USA, INC. a
foreign corporation, dba GRABER: MIKE
& ROBERTA QUIGGLE, individually and
as husband and wife, and dba R&M
INVESTORS, INC. a Washington
Corporation.

Defendant.

NO. 11-2-00028-5

ANSWER TO FIRST AMENDED
COMPLAINT AND MOTION TO
DISMISS R&M INVESTORS, INC.
AND MIKE AND ROBERTA
QUIGGLE

TO: ALL PARTIES HEREIN.

COMES NOW the above-named defendant and hereby answers Plaintiff's complaint as follows:

The defendants, R&M Investors Inc. and Mike and Roberta Quiggle, have insufficient knowledge as to the truth or falsity of all allegations in Plaintiff's complaint, and therefore DENY the same.

ANSWER TO FIRST AMENDED COMPLAINT
AND MOTION TO DISMISS - 1

ORIGINAL

KENNETH E. ROSSBACK
3219-6th Avenue
Tacoma, WA 98406
Phone: 253-573-1300
Fax: 253-752-6900

25

1 Mike and Roberta Quiggle filed a chapter 7 Bankruptcy Petition on May 22, 2009; a copy
2 of the notice is attached hereto and incorporated herein by this reference.

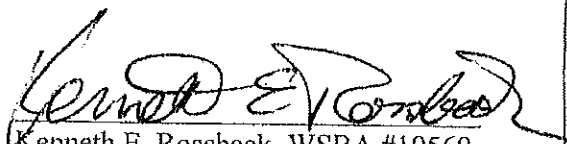
3 Mike & Roberta Quiggle received a discharge order from the Bankruptcy Court on
4 September 11, 2009; a copy of the notice is attached hereto and incorporated herein by this
5 reference.

6
7 R&M Investors Inc. no longer exists and all assets thereof have been liquidated by the
8 chapter 7 trustee in the above reference case.

9
10 The automatic stay imposed by the bankruptcy court prohibits any action from being
11 taken against the debtors or their property.

12
13 Therefore Mike and Roberta Quiggle respectfully request that they be dismissed from this
14 action.

15
16 Dated: 7-19-11


Kenneth E. Rossback, WSBA #19560
Attorney for the Defendant

ORIGINAL

United States Bankruptcy Court

Western District of Washington

1717 Pacific Avenue

Suite 2100

Tacoma, WA 98402

REC'D & FILED
MASON CO. WA

2011 JUL 21 P 1:58

PAT SWARTZ, CO. CLERK

BY _____ DEPUTY

Case No. 09-43671-PBS

Chapter 7

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Michael C Quiggle

301 E. Wallknee Blvd, #224-153

Shelton, WA 98584

Roberta L Quiggle

301 E. Wallknee Blvd, #224-153

Shelton, WA 98584

Social Security/Individual Taxpayer ID No.:

xxx-xx-0082

xxx-xx-7944

Employer Tax ID/Other nos.:

DISCHARGE OF DEBTOR

The Debtor(s) filed a Chapter 7 case on May 22, 2009. It appearing that the Debtor is entitled to a discharge,

IT IS ORDERED:

The Debtor is granted a discharge under 11 U.S.C. § 727.

BY THE COURT

Dated: September 11, 2009

Paul B Snyder

United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

ORIGINAL

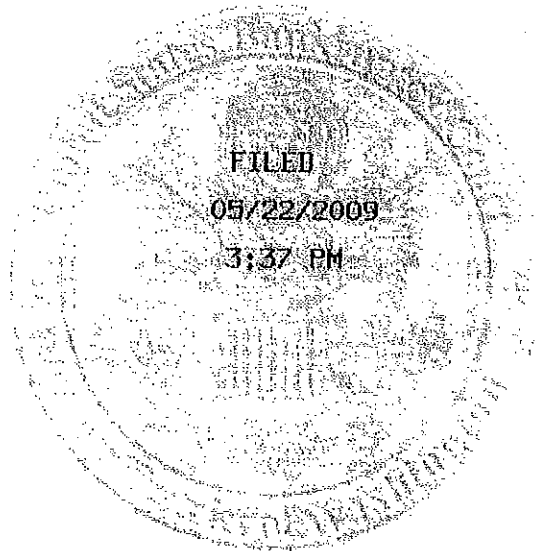
United States Bankruptcy Court
Western District of Washington

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 7 of the United States Bankruptcy Code, entered on 05/22/2009 at 3:37 PM and filed on 05/22/2009.

Michael C Quiggle
301 E. Wallknee Blvd, #224-153
Shelton, WA 98584
SSN / ITIN: xxx-xx-0082

Roberta L Quiggle
301 E. Wallknee Blvd, #224-153
Shelton, WA 98584
SSN / ITIN: xxx-xx-7944



The case was filed by the debtor's attorney: The bankruptcy trustee is:

Kenneth E Rossback
Attorney at Law
3219 6th Ave
Tacoma, WA 98406-5901
253-573-1300

Kathryn A Ellis
600 Stewart St Ste 1300
Seattle, WA 98101
206-682-5002

The case was assigned case number 09-43671-PBS to Judge Paul B Snyder.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available with a Pacer account log in at <https://ecf.wawb.uscourts.gov> or via public terminals at the Clerk's Office, 1717 Pacific Avenue, Suite 2100, Tacoma, WA 98402 or 700 Stewart St, Room 6301, Seattle, WA 98101.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Mark L. Hatcher
Clerk, U.S. Bankruptcy
Court

ORIGINAL

REC'D & FILED
MASON CO. WA

2011 JUL 28 P 2:41

PAT SWARTZ, CO. CLERK
BY 103 DEPUTY

SUPERIOR COURT OF WASHINGTON
FOR MASON COUNTY

JOHN and KELLY ARMSTRONG, et al,) No. 11-2-00028-5
)
Plaintiffs,) ORDER SETTING:
vs.) (1) ADDITIONAL STATUS CONFERENCE;
) (2) DISCOVERY SCHEDULE;
SPRINGS WINDOW FASHIONS) (3) DISPOSITIVE MOTIONS;
MANUFACTURING CO., et al,) (4) TRIAL SETTING CONFERENCE
) (5) TRIAL DATES; and/or
) (6) TRANSFER TO ARBITRATION
Defendant(s).) ~~STAHRG/OR~~ ORSSC/ORPTH/ORSTD/ORTRMA
[Dates Calendared by: RO]

A status conference having been held on the 28 day of July,
2011, in this case; it is stipulated and ordered as follows:

- [] 1. ADDITIONAL STATUS CONFERENCE. An additional status conference is set for the _____ day of _____, 20____, at _____ a.m. CONFERENCE MAY BE DONE TELEPHONICALLY. ALL PARTIES WISHING TO PARTICIPATE BY CONFERENCE CALL MUST BE ON THE LINE PRIOR TO CALLING (360) 427-8440.
- [] 2. DISCOVERY SCHEDULE. The discovery schedule shall be as follows:
- [] Discovery shall be permitted until the _____ day of _____, 20____, to include service of the resultant product upon opposing counsel as appropriate.
- [] Plaintiff(s) shall disclose all people with knowledge and experts no later than the _____ day of _____, 20____.
- [] Defendant(s) shall disclose all people with knowledge and experts no later than the _____ day of _____, 20____.
- [] 3. DISPOSITIVE MOTIONS. Dispositive motions shall be held by the _____ day of _____, 20____.
- [✓] Additional scheduling information on second page.
- 24

☐ 4. MEDIATION.

☐ This matter shall be submitted to mediation pursuant to Mason County Superior Court LCR 40 and RCW 7.07 no later than the _____ day of _____, 20__.

☐ The mediator shall be _____.

☐ The cost of mediation shall be:
☐ split equally among the parties
☐ as determined in mediation
☐ other: _____

☒ 5. TRIAL SETTING CONFERENCE. A trial setting conference is set for the 11th day of January, 2012, at 8:30 a.m. CONFERENCE MAY BE DONE TELEPHONECALLY. ALL PARTIES WISHING TO PARTICIPATE BY TELEPHONE MUST BE ON THE LINE PRIOR TO CALLING (360) 427-8440.

☐ 6. TRIAL DATE. All civil trials are set secondary to criminal cases in the following order:

☐ FIRST SET CIVIL. The _____ day of _____, 20__, at _____ a.m./p.m. through the _____ day of _____, 20__, before ☐ Dept. 1 / Judge Finlay ☐ Dept. 2 / Judge Sheldon Jury: ☐ No ☐ Yes [_____ - Person]

☐ SECOND SET CIVIL. The _____ day of _____, 20__, at _____ a.m./p.m. through the _____ day of _____, 20__, before ☐ Dept. 1 / Judge Finlay ☐ Dept. 2 / Judge Sheldon Jury: ☐ No ☐ Yes [_____ - Person]
First set case: _____ Cause No. _____

☒ 7. OTHER. An agreed case management schedule shall be filed with the court by August 11, 2011, to include a discovery schedule with discovery cut-off date; a date by which the terms of mediation as provided for in Mason County LCR 40, 2.4.1 (copy enclosed) will have been agreed to; and a trial setting conference date, if different than as set forth above. Court Administration shall review this file on August 18, 2011, and if an agreed case management schedule has not yet been entered, this matter will be set on for another Status Conference.

ORDERED this 28 day of July, 2011.

Toni A. Sheldon
Judge/Court Commissioner/Court Administrator

I certify under penalty of perjury under the laws of the State of Washington that a conformed copy of this document was ~~hand-delivered~~/mailed (postage prepaid) on 7-28-11 to the following individuals: [Signed by Rachelle L. Smith on 7-28-11 at Shelton, WA]

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